

Pamela E. Bridgewater, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

(The above nominations were reported with the recommendations that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 2803. A bill to provide for infant crib safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2804. A bill to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office"; to the Committee on Governmental Affairs.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN) (by request):

S. 2805. To amend the Federal Property and Administrative Services Act of 1949, as amended, to enhance Federal asset management, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2806. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX (for himself Mr. FRIST, Mr. KERREY, Mr. BOND, Mr. SANTORUM, Ms. LANDRIEU, Mr. ASHCROFT, and Ms. COLLINS):

S. 2807. A bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and to stabilize and improve the Medicare+Choice program, and for other purposes; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. FITZGERALD, Mrs. HUTCHISON, and Mr. GRAMS):

S. 2808. A bill to amend the Internal Revenue Code of 1986 to temporarily suspend the Federal fuels tax; read the first time.

By Mr. DODD (for himself and Mr. DEWINE):

S. 2809. A bill to protect the health and welfare of children involved in research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. DEWINE):

S. 2810. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE (for himself and Mr. CONRAD):

S. 2811. A bill to amend the Consolidated Farm and Rural Development Act to make

communities with high levels of out-migration or population loss eligible for community facilities grants; to the Committee on Agriculture, Nutrition, and Forestry.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. L. CHAFEE (for himself and Mr. HELMS):

S. Res. 329. A resolution urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina; placed on the calendar.

By Mr. LOTT:

S. Con. Res. 125. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mrs. FEINSTEIN:

S. 2803. A bill to provide for infant crib safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

##### THE INFANT CRIB SAFETY ACT

Mrs. FEINSTEIN. Mr. President, today, I am introducing legislation designed to eliminate injuries and deaths that result from crib accidents.

While there are strict guidelines on the manufacture and sale of new cribs, there are still 25 to 30 million unsafe cribs sold throughout the U.S. in "secondary markets," such as thrift stores and resale furniture stores. These cribs should be taken off the market, and either made safe, or destroyed.

There are a number of reasons why unsafe cribs should be taken off the market:

Each year, at least 45 children die from injuries sustained in cribs. That is almost one child a week.

The number of deaths from crib incidents exceeds deaths from all other nursery products combined.

Over 9,000 children are hospitalized each year as a result of injuries sustained in cribs.

To illustrate the need for this legislation, I want to share with you the story of Danny Lineweaver.

At the age of 23 months, Danny was injured during an attempt to climb out of his crib. Danny caught his shirt on a decorative knob on the cornerpost of his crib and hanged himself.

Though his mother was able to perform CPR the moment she found him, Danny lived in a semi-comatose state for nine years and died in 1993. This injury and subsequent death could have been prevented.

Since Danny's accident, we have passed laws mandating safety standards for the manufacture of new cribs. But this is not enough.

There are nearly four million infants born in this country each year, but only one million new cribs sold. As many as half of all infants are placed in secondhand, hand-me-down, or heirloom cribs—cribs that are sold in thrift stores or resale furniture stores. These cribs may be unsafe, and may in fact threaten the life of the infants placed in them.

This legislation requires thrift stores and retail furniture stores to remove decorative knobs on the cornerposts of cribs before selling those cribs.

Additionally, the bill prohibits hotels and motels from providing unsafe cribs to guests, or risk being fined up to \$1,000.

The Infant Crib Safety Act makes the sale of used, unsafe cribs illegal. I hope my colleagues will join me in putting a stop to preventable injuries and deaths resulting from unsafe cribs.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2804. A bill to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office"; to the Committee on Governmental Affairs.

##### DESIGNATION OF THE "JOHN BRADEMAS POST OFFICE"

• Mr. BAYH. Mr. President. It is with great pride that I rise today to pay tribute to a good friend and a great man, former United States Congressman John Brademas. I am honored to introduce legislation designating the United States Post Office located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office."

John Brademas was born on March 2, 1927, in Mishawaka, Indiana, a small town in Indiana's third congressional district, which he would later represent for more than two decades (1959-1981). John's father was a Greek immigrant restaurateur and his mother was a Hoosier school teacher. Upon graduation from high school, John joined the Navy and soon thereafter became a Veterans National Scholar at Harvard University, from which he graduated with a B.A., Magna Cum Laude, in 1949. From 1950 to 1953, he studied as a Rhodes Scholar at Oxford University, England, receiving the degree of Doctor of Philosophy in Social Studies.

From 1955 to 1956, John Brademas served as Executive Assistant to the late Adlai E. Stevenson, where he assumed research responsibilities during the 1956 Presidential campaign. Three years later, John Brademas became the first native-born American of Greek origin to be elected to Congress. In the House, he quickly became a leader in the areas of education, the arts and humanities, as well as a staunch defender of the rights of the disabled and the elderly. During his service on the House Committee on Education and Labor,

Congressman Brademas was largely responsible for writing major federal legislation concerning elementary and secondary education, higher education, vocational education, as well as support for libraries, museums, and the arts and humanities.

Congressman Brademas was also the chief House sponsor of the Education for all Handicapped Children Act; the Arts, Humanities, and Cultural Affairs Act; and the Older Americans Comprehensive Services Act. In 1977, Congressman Brademas was chosen by his colleagues for the influential position of House Majority Whip, in which he served for his last four years in office. Among his numerous accomplishments, Congressman Brademas was responsible for attaining the necessary funding for the very same Post Office that I seek to name in his honor.

Today, Congressman Brademas is President Emeritus of New York University, where he served as President from 1981–1992. During that time, he led the transition of New York University from a regional commuter school to a national and international research university. In addition to his responsibilities at New York University, he is the Chairman of the National Endowment for Democracy and serves as co-chairman for the Center on Science, Technology and Congress at the American Association for the Advancement of Science. He also serves on the Consultants' Panel to the Comptroller General of the United States.

During his long and distinguished service, both as a leader in government and a leader in higher education, John Brademas has provided inspiration and guidance to two generations of men and women committed to public service and to education. I want to thank Congressman Brademas for his enduring contributions to the State of Indiana and the nation.

Mr. President, it is my hope that the Postal facility located at 424 South Michigan Street will soon bear the name of my good friend and fellow Hoosier, former Congressman John Brademas.●

By Mr. THOMPSON (for himself and Mr. LIEBERMAN) (by request):

S. 2805. To amend the Federal Property and Administrative Services Act of 1949, as amended, to enhance Federal asset management, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL PROPERTY ASSET MANAGEMENT REFORM ACT OF 2000

● Mr. THOMPSON. Mr. President, today Senator Lieberman and I are introducing, by request, the Federal Asset Management Reform Act of 2000. This legislation is the result of the work of the General Services Administration, under the leadership of its Administrator David Barram, to mod-

ernize and reform the management, use and disposal of the Federal government's real property and surplus personal property.

The Federal government owns or controls over 24 million acres of land and facilities which have been acquired for use and operation by Federal agencies in support of their missions. Since 1949, the Federal Property and Administrative Services Act has provided the foundation for the management and disposal of these properties as well as for surplus personal property. This legislative proposal is intended to improve life cycle planning and management of Federal assets.

We are introducing this proposal today for the purpose of encouraging study and comment by all interested parties. Key participants in the current property disposal process are state and local governments, non-profit organizations and federal agencies. The Governmental Affairs Committee intends to review this legislative measure and all comments received about it to better understand what changes are desirable in the management of the Federal government's billions of dollars worth of real and surplus property. The Committee expects to follow through with further legislative action in the next Congress.

Mr. President, I ask unanimous consent that the full text of the Federal Asset Management Reform Act of 2000 be printed at this point in the RECORD.

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

S. 2805

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE 1. SHORT TITLE.

This Act may be cited as the "Federal Property Asset Management Reform Act of 2000".

TITLE 2. DEFINITIONS.

Section 3 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §472), is amended by adding at the end the following:

"(m) The term "landholding agency" means any Federal agency that, by specific or general statutory authority, has jurisdiction, custody, and control over real property, or interests therein. The term does not include agencies, when they are acting as the sponsors of real property conveyances for public benefit purposes pursuant to section 203 of the Act (40 U.S.C. 33 §484).

TITLE 3. LIFE CYCLE PLANNING AND MANAGEMENT

Title 11 of the Federal Property and Administrative Services Act of 1949, as amended, is amended by adding at the end thereof the following new sections:

"SEC. 213. (a) In accordance with the authorities vested in the Administrator under section 205(c) of this Act, the Administrator, in collaboration with the heads of affected Federal agencies, shall establish and maintain current asset management principles to be used as guidance by such agencies in making major decisions concerning the planning,

acquisition, use, maintenance, and disposal of real and personal property assets subject to this Act and under the jurisdiction, custody and control of such agencies.

"(b) In order to accumulate and maintain a single, comprehensive descriptive listing of all Federal real property interests under the custody and control of each Federal agency, the Administrator, in coordination with the heads of affected Federal agencies, shall collect such descriptive information, except for classified information, as the Administrator deems will best describe the nature, use, and extent of the real property holdings of the United States. For purposes of this section, real property holdings include all public lands of the United States and all real property of the United States located outside the States of the Union, to include, but not be limited to the District of Columbia, Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands and the Virgin Islands. To facilitate the reporting on a uniform basis, the Administrator is authorized to establish data and other information technology standards for use by Federal agencies in developing or upgrading agency real property information systems.

"(c) The listing compiled pursuant to this section shall be public record; however, the Administrator is authorized to withhold information, including the location of classified facilities, when it is determined that withholding such information would be in the public interest. Nothing herein shall require the public release of information which is exempt from disclosure pursuant to the Freedom of Information Act (5 U.S.C. §552).

"(d) Nothing in this section shall authorize the Administrator to assume jurisdiction over the acquisition, management, or disposal of real property not subject to this Act.

"SEC. 214. (a) Within ISO days of the effective date of this section, the head of each landholding agency shall appoint, or designate from among persons who are employees within such agency, a Senior Real Property Officer. The head of any landholding agency who so desires may also appoint a Real Property Officer for any major component part of an agency, and such Real Property Officers, for the purposes of complying with this Act, shall report to the Senior Real Property Officer.

"(b) The Senior Real Property Officer for each agency shall be responsible for continuously monitoring agency real property assets to:

"(1) ensure that the management of each asset, including but not limited to its functional use, occupancy, reinvestment requirements and future utility, is fully consistent with and supportive of the goals and objectives set forth in the agency's Strategic Plan required under section 3 of the Government Performance and Results Act of 1993, Public Law 103-62 (5 U.S.C. §306), consistent with the framework provided by the real property asset management principles published by the Administrator pursuant to section 213(a) of this Act, and reflected in an agency asset management plan. The asset management plan shall be prepared according to guidelines issued by the Administrator, shall be maintained to reflect current agency program and budget priorities, and be consistent with capital planning and programming guidance issued by the Office of Management and Budget;

"(2) identify real property assets that can benefit from the application of the enhanced asset management tools described in section 216 of this Act;

“(3) ensure, in those cases where a real property asset can benefit from application of an enhanced asset management tool, that any resulting transaction will result in a fair return on the Federal government investment and protect the Federal government from unreasonable financial or other risks; and

“(4) ensure that a listing and description of the real property assets, under the jurisdiction, custody and control of that agency, including public lands of the United States and property located in foreign lands, is provided to the Administrator, along with any other relevant information the Administrator may request, for inclusion in a government-wide listing of all Federal real property interests established and maintained in accordance with section 213(b) of this Act.

“(c) Except as otherwise provided by Federal law, prior to a Federal agency acquiring any interests in real property from any non-Federal source, the Senior Real Property Officer of the acquiring agency shall give first consideration to available Federal real property holdings.”.

#### TITLE 4. ENHANCED AUTHORITIES FOR REAL PROPERTY ASSET MANAGEMENT

SEC. 401. Title 11 of the Federal Property and Administrative Services Act of 1949, as amended, is amended by adding at the end thereof the following new sections:

“SEC. 215. CRITERIA FOR USING ENHANCED ASSET MANAGEMENT TOOLS.—

“(a) Subject to the requirements of subsection (b) of this section, the head of a landholding agency may apply an enhanced asset management tool described in section 216 of this Title to a real property interest under the agency’s jurisdiction, custody and control when the head of the agency has determined that such real property interest—

“(1) when used to acquire replacement real property, is not excess property within the meaning given in subsection 3(e) of this Act (40 U.S.C. §472(e));

“(2) is used to fulfill or support a continuing mission requirement of the agency; and

“(3) can, by applying an enhanced asset management tool, improve the support of such mission.

“(b) Before applying an enhanced asset management tool defined in section 216 to a real property interest identified under subsection (a) of this section, the head of the agency shall determine that such application meets all of the following criteria:

“(1) supports the goals and objectives set forth in the agency’s Strategic Plan required under section 3 of the Government Performance and Results Act of 1993, Public Law 103-62 (5 U.S.C. §306) and the agency’s real property asset management plan as required in section 214;

“(2) is the most economical and cost effective option available for the use of the real property; and

“(3) is documented in a business plan which, commensurate with the nature of the selected tool, analyzes all reasonable options for using the property; takes into account applicable provisions of law including but not limited to the National Environmental Policy Act; and evidences compliance with the requirements of the Stewart B. McKinney Homeless Assistance Act, including (i) describing the result of the determination by the Department of Housing and Urban Development of the suitability of the property for use to assist the homeless; and (ii) explaining the rationale for the landholding agency’s decision not to make the property available for use to assist the homeless.

“SEC. 216. ENHANCED ASSET MANAGEMENT TOOLS.—

“(a) INTERAGENCY TRANSFERS OR EXCHANGES.—Any landholding agency may acquire replacement real property by transfer or exchange of real property subject to this Act with other Federal agencies under terms mutually agreeable to the agencies involved.

“(b) SALES TO OR EXCHANGES WITH NON-FEDERAL SOURCES.—Any landholding agency may acquire replacement real property by selling or exchanging a real property asset or interests therein with any non-Federal source; provided that: (1) this transaction does not conflict with other applicable laws governing the acquisition of interests in real property by Federal agencies; (2) the agency first made the property available for transfer or exchange to other Federal agencies; and (3) the transaction results in the agency receiving fair market value consideration, as determined by the agency head, for the asset sold or exchanged.

“(c) SUBLEASES.—The head of any landholding agency, by lease, permit, license or similar instrument, may make available to other Federal agencies and to non-Federal entities the unexpired portion of any government lease for real property; provided that the term of any sublease shall not exceed the unexpired portion of the term of the original government lease of the property and the sublease results in the agency receiving fair market rental value for the asset. Prior to subleasing to any private person or private sector entity, the Federal landholding agency shall give consideration to the needs of the following entities with the needs of entities listed in paragraph (1) being considered before the needs of entities listed in paragraph (2):

“(1) FIRST PRIORITY.—The needs of each of the following entities, equally, shall be given first priority by the agency:

“(A) Federal agencies; and

“(B) Indian tribes (as defined by section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)), urban Indian organizations (as defined by that section), and tribal organizations (as defined by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) when the property is to be used in connection with an Indian self-determination contract or grant pursuant to the Indian Self-Determination Act (25 U.S.C. 450f et seq.); and

“(C) urban Indian organizations (defined as in subparagraph (B)) when the property is to be used in connection with a contract or grant pursuant to title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.).

“(2) SECOND PRIORITY.—The needs of each of the following entities, equally, shall be given second priority by the agency:

“(A) State and local governments; and

“(B) Indian tribes, tribal organizations, and urban Indian organizations (defined as in paragraph (1)(B)) when the property is to be used other than as described in paragraph (1).

“(d) OUTLEASES.—The head of any landholding agency may make available by outlease agreements with other Federal agencies and non-Federal entities any unused or underused portion of or interest in any agency real and related personal property after finding that (i) there is no long-term mission requirement for the property, but the Federal government is not permitted to dispose of it; or (11) there is a continuing long-term mission requirement for the property to remain in Government ownership but no known agency need for the property over

the term of the outlease and (iii) the use of the real property by the lessee will not be inconsistent with the statutory mission of the landholding agency; provided that such an outlease transaction is conducted competitively.

“(1) OUTLEASE AGREEMENTS.—Any outlease agreements authorized under this subsection:

“(A) shall be for a term no longer than 20 years; with the exception that property that cannot be sold may be outleased for up to 35 years provided any such agency head determination of whether property cannot be sold shall be based on criteria established by the Administrator;

“(B) shall result in the agency receiving fair market value consideration, as defined by the agency head, for the asset, including cash, services, and/or in-kind consideration;

“(C) shall not provide a leaseback option to the Federal government to occupy space in any facilities acquired, constructed, repaired, renovated or rehabilitated by the non-governmental entity, unless the net present value, including the market value of the land provided through the outlease, of such an outlease and leaseback arrangement is less expensive for the Federal government than a simple Government-financed renovation or construction project; provided further that any subsequent agreements to leaseback space in such facilities must be in accordance with the competition requirements of Title III of this Act (41 U.S.C. §253 et seq.) and meet the guidelines for operating leases set forth in Conference Report No. 105-217, to accompany the Balanced Budget Act of 1997.

“(D) shall provide (i) that neither the United States, nor its agencies or employees, shall be liable for any actions, debts or liability of the lessee, and (ii) that the lessee shall not be authorized to execute and shall not execute any instrument or document creating or evidencing any indebtedness unless such instrument or document specifically disclaims any liability of the United States, and of any Federal agency or employee, thereunder; and

(E) may contain such other terms and conditions as the head of the agency making the property available deems necessary to protect the interests of the Federal government.

“(2) ORDER OF CONSIDERATION.—In making property available for outlease, the landholding agency shall follow the order of consideration listed in subsection (c) of this section.

“(3) PREREQUISITES TO AGREEMENTS.—Prior to the head of any landholding agency executing any agreement authorized under subsection (d) of this section which would result in the development or major rehabilitation/renovation of Federal assets in partnership with a non-Federal entity, the head of such agency shall undertake an analysis of the proposed arrangement or transaction, which provides that any Federal real property, financial capital or other resources committed to the transaction are not placed at unreasonable financial risk or legal jeopardy.

“(4) OTHER AUTHORITIES.—The authority under this subsection shall not be construed to affect any other authority of any agency to outlease property or to otherwise make property available for any reason.

“SEC. 217. FORMS OF CONSIDERATION.—Notwithstanding any other provision of law, the forms of consideration received from an enhanced asset management tool as described in section 216 may include cash or cash equivalents, in-kind assets, services, or any combination thereof.

“SEC. 218. TRANSACTIONAL REPORTS.—For those transactions authorized under section 216 involving the sale, exchange or outlease to a non-Federal source of any asset valued in excess of \$2 million at the time of the transaction, the head of the landholding agency sponsoring the transaction shall submit the business plan required by subsection 215(b)(3) to the Office of Management and Budget and to the appropriate Committees of the United States Senate and the House of Representatives at least 30 calendar days prior to final execution of such transaction. The \$2 million reporting threshold in this subsection may be adjusted upward or downward by the Administrator to reflect the annual inflation/deflation factor as determined by the Department of Commerce Consumer Price Index.

“SEC. 219. ANNUAL REPORTS.—The head of each landholding agency shall include a list of all transactions using enhanced asset management tools under section 216 during the previous fiscal year with the materials the agency annually submits under section 3515 of Title 31, United States Code.”

SEC. 402. Section 321 of the Act of June 30, 1932, 47 Stat. 412 (40 U.S.C. §303b), is repealed.

SEC. 403. Subsection 203(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484(b)), is amended to read as follows:

“(b)(1) The care and handling of surplus personal property, pending its disposition, and the disposal of such property, may be performed by the General Services Administration or, when so determined by the Administrator, by the executive agency in possession thereof or by any other executive agency consenting thereto.

“(2) The responsibilities and authorities for the care and handling of surplus real and related personal property, pending its disposition, and for the disposal of such property, provided to the Administrator elsewhere in this Act, are hereby transferred to the head of the landholding agency. The head of the landholding agency may request the General Services Administration or any other entity to provide disposal services, as long as the landholding agency retains the authority to make disposal decisions and agrees to reimburse the related disposal costs. The head of the affected landholding agency may also delegate the authority to manage the disposal process (including responsibility for the related disposal costs) and to make disposal decisions to the General Services Administration. In the latter event, the landholding agency foregoes any claim to any related disposal proceeds pursuant to section 204 of this Act and the General Services Administration, after deducting any disposal expenses incurred, shall deposit any net proceeds in the Treasury. The Administrator of General Services retains the authority to promulgate general policies and procedures for disposing of such property. These policies and procedures shall require that the General Services Administration:

(A) notify the agencies responsible elsewhere in this Act for sponsoring public benefit conveyances of the availability of excess property as soon as it has been declared excess and solicit their input on whether their public benefit represents the highest and best use of such property;

(B) serve as the central point of contact for agencies, prospective donees, and the public on the availability of surplus property as soon as it has been declared surplus;

(C) assure that the agencies with the authority to make disposal decisions give full consideration to the public benefit uses of

surplus Federal property in making their disposal decisions; and

(D) serve as a clearinghouse for information on all phases of the surplus property disposal process, including appeals from sponsoring agencies and prospective donees that insufficient consideration was given to public benefit donations.

#### TITLE 5. INCENTIVES FOR REAL AND PERSONAL PROPERTY MANAGEMENT IMPROVEMENT

SEC. 501. Section 204 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §485), is amended as follows:

(a) in paragraph (2) of subsection (h) by striking “(b)” and inserting in lieu thereof “(c)”, and by striking the phrase “, to the extent provided in appropriations Acts.”;

(b) by revising subsection (i) to read as follows:

“Federal agencies may retain from the proceeds of the sale of personal property amounts necessary to recover, to the extent practicable, the full costs, direct and indirect, incurred by the agencies in disposing of such property including but not limited to the costs for warehousing, storage, environmental services, advertising, appraisal, and transportation. Such amounts shall be deposited into an account available for such expenses without regard to fiscal year limitations. Amounts that are not needed to pay such costs shall be transferred at least annually to the general fund or to a specific account in the Treasury as required by statute.”;

(c) by redesignating subsections (c), (d), (e), (f), (g), (h) and (i), as subsections (d), (e), (f), (g), (h), (i) and (j), respectively; and

(d) by striking subsections (a) and (b) and by inserting in lieu thereof the following subsections (a), (b), and (c):

“SEC. 204. PROCEEDS FROM TRANSFER OR DISPOSITION OF PROPERTY—

“(a)(1) AGENCY RETENTION OF PROCEEDS FROM REAL PROPERTY.—Proceeds resulting from the transfer or disposition of real and related property under this Title shall be credited to the fund, account or appropriation of the agency which made the property available and shall be treated as provided in subsections (b) and (c) of this section.

“(2) PROCEEDS FROM PERSONAL PROPERTY.—Proceeds from any transfer of excess personal property to a Federal agency or from any sale, lease, or other disposition of surplus personal property shall be treated as prescribed in subsection (j) or permitted by law or otherwise.

“(3) OTHER PROCEEDS.—All proceeds under this title not deposited or credited to a specific agency account, shall be covered into the Treasury as miscellaneous receipts except as provided in subsections (d), (e), (f), (g), (h), (i) and (j) of this section or permitted by law or otherwise.

“(b) MONETARY PROCEEDS TO AGENCY CAPITAL ASSET ACCOUNTS.—Monetary proceeds received by agencies from the transfer or disposition of real and related personal property shall be credited to an existing account or an account to be established in the Treasury to pay for the capital expenditures of the particular agency making the property available, which account shall be known as the agency’s capital asset account. Subject to subsection (c), any amounts credited or deposited to such account under this section, along with such other amounts as may be appropriated or credited from time to time in annual appropriations acts, shall be devoted to the sole purpose of funding that agency’s capital asset expenditures, including any ex-

penses necessary and incident to the agency’s real property capital acquisitions, improvements, and dispositions, and such funds shall remain available until expended, in accordance with the agency’s asset management plan as required in Section 214, without further authorization: *Provided*, That monies from an exchange or sale of real property, or a portion of a real property holding, under subsection 216(b) of this Act shall be applied only to the replacement of that property or to the rehabilitation of the portion of that real property holding that remains in Federal ownership.”

“(c) TRANSACTIONAL AND OTHER COSTS.—Agencies may be reimbursed, from the monetary proceeds of real property dispositions or from other available resources including from the agency’s capital asset account, the full costs, direct and indirect, to the agency of disposing of such property, including but not limited to the costs of site remediation or other environmental services, relocating affected tenants and occupants, advertising, surveying, appraisal, brokerage, historic preservation services, title insurance, document notarization and recording services and the costs of managing leases and providing necessary services to the lessees.”

SEC. 502. Nothing in Act shall be construed to repeal or supersede any other provision of Federal law directing the use of proceeds from specific real property transactions or directing how or where a particular Federal agency is to deposit, credit or use the proceeds from the sale, exchange or other disposition of Federal property except as expressly provided for herein.

SEC. 503. (a) Section 2(a) of the Land and Water Conservation Act of 1965 as amended (16 U.S.C. §4601–5(a)), is superseded only to the extent that the Federal Property and Administrative Services Act of 1949, as amended, or a provision of this Act, provide for an alternative disposition of the proceeds from the disposal of any surplus real property and related personal property subject to this Act, or the disposal of any interest therein.

(b) Subsection 3302(b) of Title 31, United States Code, is superseded only to the extent that this Act or any other Act provides for the disposition of money received by the Government.

SEC. 504. For purposes of implementing Title V of this Act, the following shall apply:

(a) For fiscal years 2001 through 2005, OMB shall allocate by agency a prorata share of the baseline estimate of total surplus real property sales receipts transferred to the Land and Water Conservation Fund that were contained in the President’s Budget for Fiscal year 2001, made pursuant to section 1109 of title 31 U.S. Code. OMB shall notify the affected agencies and Appropriation Committees of the U.S. House of Representatives and Senate in writing of this allocation within 30 days of enactment of this Act and shall not subsequently revise the allocation.

(b) On September 30 of each fiscal year, each agency shall transfer to the Treasury an amount equal to its allocation for that fiscal year, out of the proceeds realized from any sales of the agency’s surplus real property assets during that fiscal year.

(c) If an agency’s actual sale proceeds in any fiscal year are less than the amount allocated to it by OMB for that fiscal year, the agency shall transfer all of its sale proceeds to the Treasury, and its allocation for the subsequent fiscal year shall be increased by the difference.

(d) On September 30, 2005, if an agency has transferred less sale proceeds to the Treasury than its total allocation for the five

years, the agency shall transfer the difference out of any other funds available to the agency.

**TITLE 6. STREAMLINED AND ENHANCED DISPOSAL AUTHORITIES**

SEC. 601. (a) Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484), is amended in paragraph (k)(3) as follows—

(1) by striking “or municipality” and inserting in lieu thereof “municipality, or qualified nonprofit organization established for the primary purpose of preserving historic monuments”; and

(2) by inserting after the first sentence “Such property may be conveyed to a nonprofit organization only if the State, political subdivision, instrumentalities thereof, and municipality in which the property is located do not request conveyance under this section within thirty days after notice to them of the proposed conveyance by the Administrator to that nonprofit organization.”.

(b) Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484), is amended by revising paragraph (k)(4)(C) to read as follows—

“(C) the Secretary of the Interior, in the case of property transferred pursuant to the surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions, and instrumentalities thereof, and municipalities for use as a public park or public recreation area, and to State, political subdivisions, and instrumentalities thereof, municipalities, and nonprofit organizations for use as an historic monument for the benefit of the public; or”.

SEC. 602. (a) Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484), is amended in subsection (e) as follows—

(1) by striking subparagraphs (3)(A), (3)(B), (3)(C) and (3)(E);

(2) by redesignating subparagraph (3)(D) and subparagraphs (3)(F) through (3)(I), as subparagraphs (3)(A) through (3)(E), respectively;

(3) by amending redesignated subparagraph (3)(E) to read as follows:

“(E) otherwise authorized by this Act or other law or with respect to personal property deemed advantageous to the Government.”; and

(4) by amending subparagraph (6)(A) to read as follows:

“(6)(A) An explanatory statement shall be prepared of the circumstances of each disposal by negotiation of any real property that has an estimated fair market value in excess of the threshold value for which transactional reports are required under Section 218.”; and

(5) by deleting subparagraphs (6)(C) and (6)(D).

(b) Section 203 of the Federal Property and Administrative Services Act of 1949, as amended, is further amended by adding to the end thereof the following new subsection:

“(s) The authority of any department, agency, or instrumentality of the executive branch or wholly owned Government corporation to convey or give surplus real and related personal property for public airport purposes under Subchapter II of Title 49, United States Code, shall be subject to the requirements of this Act, and any surplus real property available for conveyance under that subchapter shall first be made available to the Administrator for disposal under this section, including conveyance for any public benefit purposes, including public airport use, as the Administrator, after consultation with the affected agencies, deems advisable.”.

SEC. 603. Subsection 201(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §481(c)), is revised to read as follows:

“(c) In acquiring personal property or related services, or a combination thereof, any executive agency, under regulations to be prescribed by the Administrator, subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act (41 U.S.C. §401 et seq.), may exchange or sell personal property and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for similar property or related services, or a combination thereof, acquired: Provided, That any transaction carried out under the authority of this subsection shall be evidenced in writing. Sales of property pursuant to this subsection shall be governed by subsection 203(e) of this title, and shall be exempted from the provisions of section 5 of Title 41.”.

SEC. 604. Subsection 202(h) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §483(h)), is amended to read as follows:

“(h) The Administrator may authorize the abandonment, destruction, or other disposal of property which has no commercial value or of which the estimated cost of continued care and handling would exceed the estimated fair market value.”.

SEC. 605. Subsection 203(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. §484(j)), is further amended as follows:

(a) Paragraph (j)(1) is amended—

(1) by striking the phrase “the fair and equitable distribution, through donation,” and inserting in lieu thereof “donation on a fair and equitable basis”; and

(2) by striking “paragraphs (2) and (3)” and inserting in lieu thereof “paragraph (2)”.

(b) Paragraph (j)(2) is deleted.

(c) Paragraph (j)(3) is renumbered (j)(2) and amended as follows:

(1) by deleting the introductory paragraph and inserting in lieu thereof the following:

“(2) The Administrator shall, pursuant to criteria which are based on need and utilization and established after such consultation with State agencies as is feasible, allocate surplus personal property among the States on a fair and equitable basis, taking into account the condition of the property as well as the original acquisition cost thereof, and transfer to the State agency property selected by it for purposes of donation within the State—”;

(2) in subparagraph (B) by—

(A) deleting “providers of assistance to homeless individuals, providers of assistance to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act),”;

(B) striking out “schools for the mentally retarded, schools for the physically handicapped” and by inserting in lieu thereof “schools for persons with mental or physical disabilities”;

(C) striking the word “and” before “libraries”; and

(D) inserting “and educational activities identified by the Secretary of Defense as being of special interest to the Armed Services,” following the word “region.”; and

(3) by adding a new subparagraph (C) to read as follows:

“(C) to nonprofit institutions or organizations which are exempt from taxation under section 501 of Title 26, and which have for their primary function the provision of food,

shelter, or other necessities to homeless individuals or families or individuals whose annual income is below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act) for use in assisting the poor and homeless.”.

(d) Paragraph (j)(4) is renumbered (j)(3) and amended as follows:

(1) in subparagraph (C)(ii) by inserting before the period at the end thereof the following: “: Provided, That such requirement shall not apply to property identified by the Administrator in subparagraph (E) of this paragraph as property for which no terms, conditions, reservations, or restrictions shall be imposed.”;

(2) by deleting subparagraph (E) and inserting the following new paragraph:

“(E) The State plan of operation shall provide that the State agency may impose reasonable terms, conditions, reservations, and restrictions on the use of property to be donated under paragraph (2) of this subsection and shall impose such terms, conditions, reservations, and restrictions as required by the Administrator. The Administrator shall determine the condition, age, value, or cost of property for which no terms, conditions, reservations or restrictions shall be imposed and for property so identified, title shall pass to the recipient immediately upon transfer by the State agency. If the Administrator finds that an item or items have characteristics that require special handling or use limitations, the Administrator may impose appropriate conditions on the donation of such property.”.

(e) Paragraph (j)(5) is renumbered (j)(4).

SEC. 606. (a) Section 501 of the Stewart B. McKinney Homeless Assistance Act, as amended, and as codified at section 11411 of title 42, United States Code, is amended as follows:

(1) in the first sentence of subsection (a), by inserting before the period the following: “, and that have not been previously reported on by an agency under this subsection”;

(2) in the second sentence of subsection (a), by inserting after “to the Secretary” the following: “, which shall not include information previously reported on by an agency under this subsection”;

(3) in subsection (b)(1), (c)(1)(A), and (c)(2)(A), by striking “45” and inserting “30”;

(4) in subsection (c)(1)(A)(i), by inserting after “(a)” the following: “that have not been previously published”;

(5) in subsection (c)(1)(A)(ii), by inserting after “properties” the following: “which have not been previously published”;

(6) by striking subsections (c)(1)(D) and (c)(4);

(7) in subsections (d)(1) and (d)(2), by striking “60 and inserting “90”;

(8) in subsection (d)(4)(A), by striking “after the 60-day period described in paragraph (1) has expired.” and inserting “during the 90-day period described in paragraph (1).” and by striking the remainder of the paragraph;

(9) in subsection (e)(3), by inserting the following sentence immediately after the first sentence: “The Secretary of Health and Human Services shall give a preference to applications that contain a certification that their proposal is consistent with the local Continuum of Care strategy for homeless assistance.”;

(10) in subsection (h) heading, by striking “APPLICABILITY TO PROPERTY UNDER BASE CLOSURE PROCESS” and inserting “EXEMPTIONS”;

(11) in subsection (h), by adding the following new paragraph at the end:

“(3) The provisions of this section shall not apply to buildings and property that are—

(A) in a secured area for national defense purposes; or

(B) inaccessible by road and can be reached only by crossing private property.”.

(b) Within 30 days of the date of enactment of this section, the Secretary of Housing and Urban Development shall survey landholding agencies to determine whether the properties included in the last comprehensive list of properties published pursuant to section 501(c)(1)(A) of the Stewart B. McKinney Homeless Assistance Act remain available for application for use to assist homeless. The Secretary shall publish in the Federal Register a list of all such properties. Such properties shall remain available for application for use to assist the homeless in accordance with sections 501(d) and 501(e) of such Act (as amended by subsection (a) of this section) as if such properties had been published under section 501(c)(1)(A)(ii) of such Act.

#### TITLE 7. MISCELLANEOUS

SEC. 701. SCOPE AND CONSTRUCTION.—The authorities granted by this Act to the heads of Federal agencies for the management of real and personal property and the conduct of transactions involving such property, including the disposition of the proceeds therefrom, shall be in addition to, and not in lieu of, any authorities provided in any law existing on the date of enactment hereof. Except as expressly provided herein, nothing in this Act shall be construed to repeal or supersede any such authorities.

SEC. 702. SEVERABILITY.—Although this Act is intended to be integrated legislation, should any portion or provision of this Act be found to be invalid or otherwise unenforceable by a court of competent jurisdiction, such portion or portions of this Act shall be considered independent and severable for all other provisions of this Act and such invalidity shall not, by itself, invalidate any other provisions of this Act, which remaining provisions shall have the full force and effect of law.

SEC. 703. JUDICIAL REVIEW.—Any determination or any asset management decision by an authorized agency official to transfer, outlease, sell, exchange or dispose of Federal real property or an interest therein in accordance with applicable law shall be at the sole discretion of the authorized agency official and shall not be the basis of any suit, claim or action.

SEC. 704. NO WAIVER.—Nothing in this Act should be construed to limit or waive any right, remedy, immunity, or jurisdiction of any Federal agency or any claim, judgement, lien or benefit due the United States of America.

SEC. 705. EFFECTIVE DATE.—This Act and the amendments made by its provisions shall be effective upon enactment except as otherwise specifically provided for herein.●

● Mr. LIEBERMAN. Mr. President, today, along with Senator THOMPSON, I am introducing a bill at the request of the administration to amend the Federal Property and Administrative Services Act of 1949. The bill is designed to improve the federal government's role in managing both its personal and real property. By granting agencies enhanced tools to handle their assets, the bill's goal is to bring federal asset management into the 21st century. I invite comments on the administration's proposal and look forward to reviewing them.●

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2806. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

#### CREDIT WATCH ACT OF 2000

● Mr. SARBANES. Mr. President, today I am introducing, “Credit Watch,” a bill that will authorize the Federal Housing Administration (FHA) to identify lenders who have excessively high early default and claim rates and terminate their origination approval. This legislation is necessary to protect the FHA fund and take action against lenders who are contributing to the deterioration of our neighborhoods.

A recent rash of FHA loan defaults have led to foreclosures and vacant properties in a number of cities around the country. In Baltimore, the effects of high foreclosure rates are acute. In some neighborhoods, there are numerous foreclosed homes, now abandoned, within just a few blocks of each other. This can often be the beginning of a neighborhood's decline. It creates a perception that the property and the neighborhood is not highly valued. In turn, these neighborhoods become physically deteriorated and often attract criminal activity.

It's like a rotten apple in a barrel. The rundown appearance of one home spreads to the surrounding neighborhood. Neighborhoods that are struggling to stabilize and revitalize find their efforts undermined by the presence of abandoned homes.

The Department of Housing and Urban Development (HUD), community activists, and local law makers have come together to examine the loans being made in neighborhoods with high foreclosure rates.

In Baltimore and other cities, these groups found that careless lenders are offering FHA insured loans to families who cannot afford to pay them back. Early default or claim of these loans frequently leads to foreclosure of the home. A foreclosed property can easily turn into an uninhabited home, which can either begin or continue a cycle of decline.

In an effort to reduce the number of loans that end in foreclosure, the FHA developed several new oversight methods. One of which is “Credit Watch.”

“Credit Watch” is an automated system that compares the number of early foreclosures and claims of lenders in the same area. This legislation authorizes FHA to revoke the origination approval of lenders who have significantly higher rates of early defaults and claims than the other lenders in the same area. FHA is currently targeting lenders with default rates over

300% of the area average. They estimate that in Baltimore this threshold would allow them to terminate the origination privileges of three major lenders that account for 40% of early defaults and claims.

The legislation accounts for differing regional economies by ensuring that lenders are only compared to others making loans in the same community. It also provides a manner by which terminated lenders may appeal the decision of the FHA, if they believe there are mitigating factors that may justify higher rates.

When lenders make loans with no regard for the consumer or the health of the community, the FHA must be able to take action in a timely manner. This practice is a costly abuse of the FHA insurance fund. Quick action not only protects the health of the Mutual Mortgage Insurance (MMI) fund, but it protects neighborhoods from the detrimental effects of high vacancy rates and consumers from the pain of foreclosure and serious damage to their credit.

Lenders that offer loans to individuals who cannot afford them should not be able to continue making those loans. It is a bad deal for taxpayers. It is a bad deal for neighborhoods. It is a bad deal for the families who take out the loan.

Credit Watch is an effective and efficient way that the FHA can prevent these unfortunate foreclosures from happening. While we need to address the larger issue of predatory lending in our communities, “Credit Watch” is an obvious and immediate solution to one part of the problem.●

By Mr. BREAUX (for himself, Mr. FRIST, Mr. KERREY, Mr. BOND, Mr. SANTORUM, Ms. LANDRIEU, Mr. ASHCROFT, and Ms. COLLINS):

S. 2807. A bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and to stabilize and improve the Medicare+Choice program, and for other purposes; to the Committee on Finance.

#### MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2000

● Mr. FRIST. Mr. President, I am pleased to be here today to join Senators BREAUX, KERREY, BOND, SANTORUM, LANDRIEU, ASHCROFT, and COLLINS in introducing the “Medicare Prescription Drug and Modernization Act of 2000”—a truly bipartisan effort to address the real need to provide seniors the prescription drugs they deserve and strengthen and improve the Medicare program overall.

Last fall, I introduced the “Medicare Preservation and Improvement Act of 1999”, with Senators BREAUX, KERREY, and HAGEL. This was the first bipartisan attempt to comprehensively reform Medicare in the program's 35 year

history. When Medicare was first enacted in 1965, it had the goal of providing seniors necessary acute health care that would otherwise have been unaffordable. However today's health care delivery systems are far more advanced than the program's creators ever imagined. Our goal over the past year was to create an atmosphere for further discussion on ways to strengthen and improve the Medicare program, including proposals for an outpatient prescription drug benefit. Today, we take the first step in the right direction—a direction to bring Medicare in line with the benefits and delivery systems commonplace in the 21st century today.

Building on last year's bill and the findings of the Bipartisan Commission on the Future of Medicare, the "Medicare Prescription Drug and Modernization Act of 2000" takes the first steps towards long-term Medicare reform while adding a much needed outpatient prescription drug benefit to the program. Unlike in 1965, prescription drugs are integral to the delivery of health care and treating diseases prevalent among the elderly population. We must include a prescription drug benefit in the Medicare system. However, we must also address some of the other problems facing Medicare.

For instance, we must recognize the need to update the total benefit package and increase the flexibility of the program. Today's Medicare coverage is inadequate, covering only 53 percent of beneficiary's average health costs, and still does not include coverage for many preventive services, eyeglasses, or dental care, much less prescription drugs.

Medicare is also facing a doubling of beneficiaries over the coming decades. Today, there are 39 million Medicare beneficiaries, but within the next 10 years, 77 million baby boomers will begin entering the program. Our ability to effectively respond to this increased demand is further limited by the declining number of workers paying payroll taxes, which fund Medicare obligations each year, as the number of workers per retiree has continued to decline, from 4.5 in 1960 to 3.9 today. This figure is expected to further decline to 2.8 in 2020.

We all know that Medicare spending consumes much of the federal budget. But this will only get worse. Currently absorbing nearly 12 percent of the federal outlays, Medicare will balloon to 25 percent of the federal budget by 2030. The program, which relies on general revenues to pay for close to 40 percent of total program expenditures today, will continue to use an increasing share of general revenues, leaving fewer and fewer federal dollars available to support other federal programs.

Finally, with over hundred thousand pages of HCFA regulations governing Medicare, the program has become so

bloated and heavily micro-managed that it cannot adopt to the daily advances in medicine and health care delivery. Even when life-saving diagnostic tests become available, such as a breakthrough prostate cancer-screening test that came on the market in the early 1990s, it takes years before they can be approved. Medicare has only recently begun reimbursing for prostate screening and only because a new law was passed to allow it.

The very fact that Congress must pass such laws illustrates perfectly the problem with a heavily micro-managed system. No government program can possibly keep up with the increasingly rapid rate at which new drugs and technologies are brought to the market. As a physician, I know that today, more than ever, access to lifesaving drugs and technology as they become available is the key to providing quality health care, and we must modernize Medicare to meet these demands.

The need to modernize Medicare has never been more apparent. The measures included in the "Medicare Prescription Drug and Modernization Act of 2000" will provide seniors the option to choose the kind of health care coverage that best suit their individual needs, including enhanced benefits, outpatient prescription drug coverage, and protections against high out-of-pocket drug costs.

The "Medicare Prescription Drug and Modernization Act of 2000" establishes that Competitive Medicare Agency (CMA), an independent, executive-branch agency to spearhead an advanced level of Medicare management and oversight—leaving behind the intransigent bureaucracy and outdated mindset infecting the program and instead guaranteeing seniors choice, health care security, and improved benefits and delivery of care. Modeled after the Social Security Administration, the CMA functions in a manner similar to the Office of Personnel Management, which has a 40-year track record of success in providing quality comprehensive health coverage for the millions of federal employees and their families through the Federal Employees Health Benefits Program.

Vital to this bill is the Prescription Drug and Supplemental Benefit Program that provides beneficiaries outpatient prescription drugs and other additional benefits through new Medicare Prescription Plus plans offered by private entities or through Medicare+Choice plans. The drug benefit will provide, at a minimum, a standard prescription drug package consisting of a \$250 deductible, 50 percent cost-sharing up to \$2,100, and stop-loss protection at \$6,000. Seniors are guaranteed this minimum benefits, but also have the choice of other drug benefit packages. I recognize more than anyone that a one-size-fits-all approach to health care does not work. It is im-

portant to pass along the same choices we, as members of Congress, have, Seniors deserve no less.

We ensure that low-income beneficiaries receive necessary drug coverage by providing premium subsidies. Beneficiaries below 135 percent of poverty, beneficiaries receive a 100 percent premium subsidy and 95 percent of all cost-sharing. Beneficiaries between 135% and 150 percent of poverty receive premium subsidies on a sliding scale from a much as 100 percent to no less than 25 percent, and all beneficiaries, regardless of income, will receive a 25% premium subsidy. Since 39 percent of beneficiaries below 150 percent of poverty have no drug coverage, this provision alone will provide comprehensive drug coverage for over 5 million seniors and individuals with disabilities.

We also address the high costs of drugs by ensuring that no beneficiary will ever pay retail prices for prescription drugs again. We do this through a prescription drug discount card program that passes on price discounts negotiated between pharmaceutical companies and insurers to beneficiaries. For example, today a senior may pay \$100 for a particular drug. Under the "Medicare Prescription Drug and Modernization Act of 2000", this senior would have access to the insurers negotiated rate of \$70, but then would also receive an even further discount through coinsurance, reducing the total price of the drug by over 60 percent down to just \$35.

The "Medicare Prescription Drug and Modernization Act of 2000" modernizes Medicare by establishing a new competitive system under Medicare+Choice where plans bid for the costs of delivering care and compete with traditional Medicare based on benefits, price, and quality so that beneficiaries receive the highest-quality, affordable health care possible. Under this new system, plans are allowed maximum flexibility to reduce current beneficiary Part B premiums and cost-sharing as well as offer new and additional benefits to beneficiaries, including outpatient prescription drug coverage.

Finally, the "Medicare Prescription Drug and Modernization Act of 2000", for the first time in Medicare's history provides lawmakers and the public a better measure for evaluating Medicare's financial health and establishes strong reporting requirements for the Medicare program as a whole.

Medicare must be modernized to provide seniors integrated health care choices, including outpatient prescription drug coverage. This afternoon my colleagues and I have moved beyond the demagoguery and disinformation campaigns and have come together to propose bipartisan legislation that balances the very real need for outpatient prescription drug coverage with the need for meaningful modernizations. By moving forward on this legislation,

I believe we can truly provide choice and security for our Medicare beneficiaries to ensure their individual health care needs are met, today and well into the future.●

By Mr. DODD (for himself and Mr. DEWINE):

S. 2809. A bill to protect the health and welfare of children involved in research; to the Committee on Health, Education, Labor, and Pensions.

CHILDREN'S RESEARCH PROTECTION ACT

Mr. DODD. Mr. President, I rise today with my colleague from Ohio, Senator DEWINE, to introduce important legislation to enhance the safety of our children. The Children's Research Protection Act will strengthen protections for children participating in research and also increase the number of researchers expert in pediatric pharmacology.

Three years ago, Senator DEWINE and I were successful in enacting legislation to reverse a troubling statistic—the fact that only 20 percent of drugs on the market have been tested specifically for their safety and efficacy in children. Our legislation, The Better Pharmaceuticals for Children Act, for the first time provided an incentive for drug companies to test their products for use with children. The results of that legislation have been overwhelming. In the 2 years since this initiative was started, drug manufacturers have launched more than 300 new pediatric studies of 127 drugs. In contrast, in the 5 years prior to enactment of our legislation, the industry conducted only 11 pediatric safety studies for drugs already on the market—11 studies in five years versus over 300 in just 2 years. The most immediate consequence of this surge in the industry's interest in testing their products in children is the rapid increase in the number of children being signed up to participate in research studies—more than 18,000 children will eventually be needed just for the 300 trials that have been proposed so far.

While we're thrilled with the success of our legislation, it has forced us to take a hard look at the adequacy of the safety protections for children participating in research. All experimental treatments, by their very nature, contain some risk. Research involving children is no exception. Yet, despite the risks, each year thousands of parents agree to allow their children to participate in a clinical trial, either in hopes of improving their own health or the health of other children. In doing so, they place their trust in the expertise and ethics of the researchers and in strong oversight by the federal government. The vast majority of the time that trust is well-founded. But recent isolated incidents involving children harmed during clinical trials, as well as increasing concerns about the adequacy of federal oversight for clinical

trials, generally point to the need to proactively address the issue of the safety of children in research.

It is that need to be proactive that has led Senator DEWINE and I to introduce the Children's Research Protection Act. This legislation will address critical safety issues in children's research by:

(1) Requiring the Secretary of Health and Human Services (HHS) to review the current regulations for the protection of children participating in research and to clarify and update them to ensure the highest standards of safety.

Requiring that all HHS funded and regulated research comply with these strengthened federal protections. (Currently research overseen by the Food and Drug Administration, but funded by private pharmaceutical companies, is not required to comply with the additional children's protections, although many pharmaceutical companies do so voluntarily.)

(3) Requiring the 15 federal agencies that don't currently have special guidelines for children's research to develop them within 12 months.

(4) Asking the Secretary of HHS to review the adequacy of the IRB (Institutional Review Board) process for protecting children in clinical trials and to report to Congress within 6 months on the question of whether we should have a national board(s) to review adverse events arising out of research on children.

(5) Increasing the number of researchers that are experts in conducting drug research with children by providing grants for fellowship training and creating a loan repayment program for pediatric drug researchers. Only 20 physicians complete clinical pharmacology speciality training programs each year—of these, only 2 or fewer specialize in pediatric pharmacology.

We still have a long way to go to make sure that children are not an afterthought when it comes to drug research, but we can start by making sure that when they volunteer to help other children by participating in research, their safety is paramount. This measure prescribes a strong dose of safety for our children. It provides critically important safeguards and protections when it comes to pediatric medicine testing, allowing us to increase our knowledge of children's medication without increasing the danger to children.

I am pleased to join Senator DEWINE in this effort and I look forward to working with my colleague to pass this legislation.

I ask unanimous consent that the attached letters and a copy of the bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 2809

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Children's Research Protection Act".

**SEC. 2. FINDINGS, PURPOSES, AND DEFINITION.**

(a) FINDINGS.—Congress makes the following findings:

(1) Children are the future of the Nation and the preservation and improvement of child health is in the national interest.

(2) The preservation and improvement of child health may require the use of pharmaceutical products.

(3) Currently only 1 out of 5 drugs on the market in the United States have been approved for use by children. The enactment of the provisions of the Food and Drug Administration Modernization Act (Public Law 105-115) relating to pediatric studies of drugs, however, is expected to increase the pediatric testing of pharmaceuticals and thus to increase the numbers of children involved in research.

(4) Children are a vulnerable population and thus need additional protections for their involvement in research relative to adults. Yet, current Federal guidelines for the protection of children involved in research have not been updated since 1981, do not currently apply to Food and Drug Administration-regulated research that is not Federally funded, and have not been adopted by all Federal agencies that conduct research involving children.

(5) Currently, in the United States, there is a shortage of pharmacologists trained to address the unique aspects of developing therapies for children. There are fewer than 200 academic-based clinical pharmacologists in the United States, of which 20 percent or fewer are pediatricians. Currently, only 20 physicians complete clinical pharmacology specialty training programs each year, and of these, only 2 or fewer specialize in pediatric pharmacology.

(b) PURPOSES.—It is the purpose of this Act to—

(1) ensure the adequate and appropriate protection of children involved in research by—

(A) reviewing and updating as needed the Federal regulations that provide additional protections for children participating in research as contained in subpart D of part 45 of title 46, Code of Federal Regulations;

(B) extending such subpart D to all research regulated by the Secretary of Health and Human Services; and

(C) requiring that all Federal agencies adopt regulations for additional protections for children involved in research that is conducted, supported, or regulated by the Federal Government; and

(2) ensure that an adequate number of pediatric clinical pharmacologists are trained and retained, in order to meet the increased demand for expertise in this area created by the pediatric studies provisions of the Food and Drug Administration Modernization Act (Public Law 105-115), so that all children have access to medications that have been adequately and properly tested on children.

(c) DEFINITION.—In this Act, the term "pediatric clinical pharmacologist" means an individual—

(1) who is board certified in pediatrics; and

(2) who has additional formal training and expertise in human pharmacology.

**SEC. 3. REVIEW OF REGULATIONS.**

(a) REVIEW.—By not later than 6 months after the date of enactment of this Act, the

Secretary of Health and Human Services shall have conducted a review of the regulations under subpart D of part 45 of title 46, Code of Federal Regulations, considered any modifications necessary to ensure the adequate and appropriate protection of children participating in research, and report the findings of the Secretary back to Congress.

(b) AREAS OF REVIEW.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consider—

(1) the appropriateness of the regulations for children of differing ages and maturity levels, including legal status;

(2) the definition of “minimal risk” and the manner in which such definition varies for a healthy child as compared to a child with an illness;

(3) the definitions of “assent” and “permission” for child clinical research participants and their parents or guardians and of “adequate provisions” for soliciting assent or permission in research as such definitions relate to the process of obtaining the informed consent of children participating in research and the parents or guardians of such children;

(4) the definitions of “direct benefit to the individual subjects” and “generalizable knowledge about the subject’s disorder or condition”;

(5) whether or not payment (financial or otherwise) may be provided to a child or his or her parent or guardian for the participation of the child in research, and if so, the amount and type given;

(6) the expectations of child research participants and their parent or guardian for the direct benefits of the child’s research involvement;

(7) safeguards for research involving children conducted in emergency situations with a waiver of informed assent;

(8) parent and child notification in instances in which the regulations have not been complied with;

(9) compliance with the regulations in effect on the date of enactment of this Act, the monitoring of such compliance, and enforcement actions for violations of such regulations; and

(10) the appropriateness of current practices for recruiting children for participation in research.

(c) CONSULTATION.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consult broadly with experts in the field, including pediatric pharmacologists, pediatricians, bioethics experts, clinical investigators, institutional review boards, industry experts, and children who have participated in research studies and the parents or guardians of such children.

(d) CONSIDERATION OF ADDITIONAL PROVISIONS.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consider and, not later than 6 months after the date of enactment of this Act, report back to Congress concerning—

(1) whether the Secretary should establish national data and safety monitoring boards to review adverse events associated with research involving children; and

(2) whether the institutional review board oversight of clinical trials involving children is adequate to protect the children.

#### SEC. 4. REQUIREMENT FOR ADDITIONAL PROVISIONS FOR CHILDREN INVOLVED IN RESEARCH.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 6 months after the date of enactment of this

Act, the Secretary of Health and Human Services shall require that all research involving children that is conducted, supported, or regulated by the Department of Health and Human Services be in compliance with subpart D of part 45 of title 46, Code of Federal Regulations.

“(b) OTHER FEDERAL AGENCIES.—Not later than 12 months after the date of enactment of this Act, all Federal agencies shall have promulgated regulations to provide additional protections for children involved in research.

#### SEC. 5. GRANTS FOR PEDIATRIC PHARMACOLOGY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall award grants to qualified academic research institutions and research networks with the appropriate expertise to provide training in pediatric clinical pharmacology, such as the Pediatric Pharmacology Research Units of the National Institute of Child Health and Human Development, and the Research Units of the National Institute of Mental Health, to enable such entities to provide fellowship training to individuals who hold an M.D. in order to ensure the specialized training of pediatric clinical pharmacologists.

(b) AMOUNT OF GRANT.—In awarding grants under subsection (a), the Secretary of Health and Human Services shall ensure that each grantee receive adequate amounts under the grant to enable the grantee to fund at least 1 fellow each year for a 3-year period, at a total of \$100,000 per fellowship per year.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

#### SEC. 6. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288-5) the following:

##### “SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING PEDIATRIC PHARMACOLOGY.

“(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, shall establish a program to enter into contracts with qualified individuals who hold an M.D. under which such individuals agree to undergo training in, and practice, pediatric pharmacology, in consideration of the Federal Government agreeing to repay, for each year of service as a pediatric pharmacologist, not more than \$35,000 of the principal and interest of the educational loans of such individuals.

“(b) APPLICATION OF PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established under subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

“(c) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

“(2) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.”.

#### SEC. 7. EFFECTIVE DATE.

The provisions of sections 5 and 6 shall take effect on the date that is 6 months after the date of enactment of this Act.

May 1, 2000.

DEAR SENATOR DODD, I am addressing you today in support of proposed senate bill, AAC: “Children’s Research Protection Act” “. . . that will protect the health and welfare of children involved in research.” Additionally, this bill will serve to ascertain whether specific guidelines should be included in the Code of Federal Regulations for conducting research with other vulnerable members of our society.

As a long time advocate and provider of services for persons with disabilities, families and children, my ongoing research of the informed consent process as it relates to clinical trials dates back to 1979. At that time, I focused on some very complex issues of conducting medical research with children who had mental retardation and were being placed under state care.

We are a wealthy and powerful nation and I believe that our children are our greatest treasure. They deserve the highest ethical standards that we can provide in all areas of their lives including medical research and health. With the passage of the Food and Drug Administration Modernization Act, we have widened the field of pediatric clinical research, as should be the case since until this time it has been seriously lacking attention. Due to this surge in new research, it is the opportune time to review federal regulations that provide guidelines for clinical trials. We need to close gaps and better define protections so that our children will be offered the safest environment possible during research efforts. Furthermore, the parents and guardians of our children need to have every advantage and possible opportunity afforded them so they can more fully understand the experimental nature of any research before giving consent.

I am particularly excited that there are provisions in this bill to help increase the number of pediatric clinical pharmacologists and clinical investigators. This action will strengthen the quality of research and treatment prescribed for children.

In closing, this bill helps reach a goal of optimal health therapy for our children. As always, I appreciate the hard work and time that has been expended to bring this issue forward for legislative action. Thank you.

Sincerely,

SHEILA S. MULVEY.

May 1, 2000.

TO WHOM IT MAY CONCERN: My name is David Krol and I am a pediatrician in New Haven, Connecticut and a recent graduate of pediatric residency training. I am writing in support of the Children’s Research Protection Act. As both a practicing pediatrician and a child health researcher I am very interested in studies that can improve the lives of children. These studies, however, need to keep in mind the unique biology of children as well as the developmental needs of those who would participate in these studies. Children are most definitely a unique population and require protections in the research environment that are adequate, appropriate, and different from adults. I am pleased to see that the Children’s Research and Protection Act addresses these issues.

In addition, as a recent graduate from medical school with a debt burden hovering near \$90,000, I am very aware of the difficult decision that many medical school graduates face in choosing a specialty. It can be a very difficult decision to pursue further training and postpone the reduction of the significant debt many of us face. Those who pursue pediatric subspecialty training, including pediatric pharmacologists, are no exception to

this fact. I am very happy to see that the Children's Research Protection Act provides both funding for pediatric pharmacology positions and loan repayment for those who would choose to further their education in such an important and rewarding specialty. I hope we can extend this opportunity to all who pursue pediatric subspecialty training. Pediatric research requires not only experts in pediatric pharmacology but also in the specific diseases that need to be researched.

It is with great pleasure that I write this letter in support of the Children's Research Protection Act. I ask for your support concerning this important issue in child health.

Sincerely,

DAVID M. KROL, MD.

AMERICAN ACADEMY OF PEDIATRICS,

May 1, 2000.

Hon. CHRISTOPHER DODD,  
U.S. Senate,  
Washington, DC.

Hon. MIKE DEWINE,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS DODD AND DEWINE: The American Academy of Pediatrics, representing 55,000 pediatricians throughout the United States, is pleased to support the Children's Research Protection Act. This legislation provides appropriate and needed requirements for the inclusion of children in any research conducted, supported, or regulated by the U.S. Department of Health and Human Services.

Protection of children in all research settings is an imperative. Under your strong leadership, important advances are being made in therapeutic research for children through the Food and Drug Administration Modernization Act (FDAMA). As a result of FDAMA, the increase in the number of new clinical trials involving pediatric patients is unprecedented. The Children's Research Protection Act balances the need to continue and encourage more and better clinical trials involving children while at the same time ensuring that children are protected by requiring that all research be in compliance with subpart D of part 45 of title 46, Code of Federal Regulations.

This legislation also recognizes the importance of increasing the number of pediatric clinical researchers through the grant and loan repayment provisions. We strongly believe that this kind of greater support is needed for all pediatric research scientists. Still, we recognize that this legislation specifically addresses FDAMA's significant increase on the need for additional pediatric clinical pharmacologists to conduct pediatric drug studies. The grant program and loan repayment provisions of this bill are important incentives to securing greater numbers of well-trained experts of pediatric clinical pharmacology, and can hopefully be used as models for promoting a broader scope of pediatric research.

Throughout the years, you have been a strong and successful advocate for children and their needs and the American Academy of Pediatrics is grateful to you. The Children's Research Protection Act will be an advance for children. We offer our assistance as this bill moves through the Congress.

Sincerely,

DONALD E. COOK, MD, FAAP,

President.

PHARMACEUTICAL RESEARCH AND  
MANUFACTURERS OF AMERICA,  
Washington, DC, June 26, 2000.

Hon. MIKE DEWINE,

U.S. Senate,  
Washington, DC.

Hon. CHRISTOPHER J. DODD,

U.S. Senate,  
Washington, DC.

DEAR SENATORS DEWINE AND DODD: The Pharmaceutical Research and Manufacturers of America (PhRMA) is pleased to offer its support for The Children's Research Protection Act. This piece of legislation addresses several key gaps towards the successful implementation of Section 111 of the Food and Drug Modernization Act of 1997 (FDAMA). This particular section of FDAMA has had an enormous impact on the investigation of important medicines in children. There has been a remarkable increase in the number of medicines being studied by pharmaceutical companies. The pharmaceutical industry has proposed pediatric studies on 177 medicines and the FDA has issued 145 written requests for studies as of May 1, 2000. In the short time since its inception, the legislation has fundamentally changed our approach to the study of medicines in children and holds enormous promise for improved treatment of sick children.

Several issues have become apparent as we have embarked on this new era of clinical investigation. There is clearly a shortage of experienced pediatric clinical pharmacologists, and those active in the field are generally quite senior. There is thus a need for training the next generation of investigators. If children are to receive the benefits of the new medicines now under development, and of the exciting therapies of the future, we will need highly qualified pediatric investigators, knowledgeable in the safe, ethical, and efficient study of medicines in children. The NICHD Pediatric Pharmacology Research Unit network has been instrumental in doing excellent studies in this area, and is an exemplary training ground for young pediatric investigators. It is vital that pediatric clinical investigation be performed by our best physician/scientists, in centers fully equipped to ensure a positive environment for children who participate in studies, and to ensure that all studies are done with the very highest standards of clinical investigation and clinical care.

It is also crucial, as the number of patients studied is expanding, to re-emphasize the ethical standards for conducting studies in children. The FDA has held meetings of its Pediatric Pharmacology Subcommittee, and one issue of concern was that the DHHS Guidelines in investigation of vulnerable subjects, 45 CRF 46, Subpart D does not cover all of the studies or investigative centers where studies of medicines under FDAMA might be done. It is clear that it is in the interest of children, and of the clinical investigative process, that the provision be reviewed and that all studies of medicines in children be covered under this provision.

To assure career paths for the new trainees in pediatric clinical pharmacology, renewal of Section 111 of FDAMA is particularly important since it assures continued pediatric clinical investigation of new medicines. These two legislative initiatives will have a major impact on the future of the health of our children.

Sincerely,

STEPHEN P. SPIELBERG,  
MD, Ph.D.,

Vice President, Pediatric  
Drug Development,

Janssen Research  
Foundation, Chair,  
Pediatric Task Force,  
PhRMA.

ALAN GOLDHAMMER, Ph.D.,  
Associate Vice President,  
US Regulatory  
Affairs PhRMA.

AMERICAN SOCIETY FOR CLINICAL  
PHARMACOLOGY AND THERAPEUTICS,

Alexandria, VA, May 16, 2000.

Hon. CHRISTOPHER DODD,

U.S. Senate,  
Washington, DC.

DEAR SENATOR DODD: The American Society for Clinical Pharmacology and Therapeutics is pleased to express support of the Children's Research Protection Act. Our society is the largest academic society of clinical pharmacologists in the United States and consists of member scientists, clinicians and researchers from the academic, regulatory and industry sectors including physicians, PhDs and PharmDs. We endorse the great need for this legislation as a means of improving the care of children by improving medications available to them and by increasing the effective use of medicines that are already on the market for children. In addition, we believe that the provisions of this legislation will ultimately lead to a reduced incidence of side effects and the rate of medication errors in children.

There are only two pediatric clinical pharmacology training programs in this country, and it is estimated that the number of practicing pediatric clinical pharmacologists may be as few as 20. Consequently, it is little wonder that 80% of the drugs already on the market have yet to be approved for use in children. We must expand the cadre of well-trained pediatric clinical pharmacologists who can focus their scientific and clinical skills on assuring that children have access to the same therapies readily available to adult patients. Further, special studies are required regarding the proper dosage and safe use of medications in children. The ASCPT applauds your recognition of these needs, and we believe that your bill includes the means to these ends: a program to increase the number of funded pediatric clinical pharmacology fellowships and a loan repayment program to attract physicians to careers in clinical pharmacology will improve the health of children through the safe use of available medications.

Thank you for your leadership on children's health care, and please add the American Society for Clinical Pharmacology and Therapeutics to the list of organizations endorsing the Children's Research Protection Act.

Yours sincerely,

RAYMOND L. WOOSLEY, M.D.,

President.

NATIONAL ASSOCIATION OF  
CHILDREN'S HOSPITALS,  
Alexandria, VA, May 9, 2000.

Hon. CHRISTOPHER DODD,

U.S. Senate,  
Washington, DC.

Hon. MIKE DEWINE,  
U.S. Senate, Washington, DC.

DEAR SENATORS DODD AND DEWINE: On behalf of the National Association of Children's Hospitals (N.A.C.H.), an organization representing more than 100 freestanding children's hospitals and pediatric departments of major medical centers, I am writing to support the "Children's Research Protection Act." This legislation represents an important step in assuring that children enrolled

in federally supported and/or regulated research receive important protections for their safety and well-being when participating as research subjects.

Children's hospitals are major centers for pediatric clinical research—research supported by the federal government, as well as private industry. The biomedical research efforts undertaken by children's hospitals recognize that "children are not little adults" and that their unique needs must be taken into account when developing and monitoring research protocols to address pediatric diseases and conditions. With the relatively recent adoption of the Food and Drug Administration Modernization Act (FDAMA), the number of children enrolled in pediatric clinical trials is rising. Therefore, it is especially important that a consistent set of additional protections for children participating in research, such as those included within subpart D of part 45 of title 46, Code of Federal Regulations (i.e. the "common rule"), be reviewed and extended to all federally conducted, supported, or regulated clinical research.

The "Children's Research Protection Act" also establishes a grant program and loan repayment provision to help address the expected shortage of pediatric clinical pharmacologists and clinical investigators trained to develop therapies for children. This is especially important given the increased demand for expertise in this area created by the pediatric studies provisions of FDAMA. In addition, we are hopeful that such a model of grant and loan repayment can eventually be replicated to provide added incentives to increase the overall pediatric research workforce, such as is proposed in Sen. Bond's "Healthy Kids 2000 Act."

N.A.C.H. applauds your efforts for introducing this important piece of legislation. Please feel free to contact me if I can be of further assistance as this bill moves through Congress.

Sincerely,

LAWRENCE A. MCANDREWS.

Mr. DEWINE. Mr. President, I rise today to join my friend and colleague from Connecticut, Senator DODD, in introducing the Children's Research Protection Act. This bill is a logical and necessary follow-up to the Better Pharmaceuticals for Children Act, which Senator DODD and I got passed and enacted into law in 1997 as part of the FDA Modernization Act. This law created incentives for drug manufacturers for use by children. Since the law has been in place, more children than ever before are participating in clinical trials for drug testing.

Mr. President, it is imperative that we test drugs for children—on children. There are several reasons that such testing is necessary. Children have different physical make-ups from adults, which means they metabolize drugs differently. They likely need different doses and different amounts of time between doses for medications to be safe and effective. Also, because the same disease can manifest itself very differently in children and adults, we need to thoroughly test the drugs that we are using for children to treat the same illness.

As I noted already, since our Better Pharmaceuticals Act was enacted, we

have seen a rapid increase in the number of children being enrolled in clinical trials. More than 18,000 children will be needed just for the 300 studies that have been proposed so far. Research has been completed and exclusivity granted on 22 drugs that were previously used for children without safety information, and more than 300 pediatric studies of 127 products are currently underway. Of those 22 drugs for which studies have been completed, eight drugs have already been re-labeled to reflect, the new pediatric safety information.

In contrast, in the five years prior to enactment of our Better Pharmaceuticals Act, only 11 studies to gather additional pediatric safety information about drugs already on the market were conducted—that's 11 studies in five years versus over 125 in just two years since this legislation was enacted. The increase in pediatric studies is good news for children and parents and is certainly a welcome improvement at a time when only one in five drugs currently on the market in the United States has been approved for use by children.

While we want to encourage better drug testing for children, we also need to ensure that strong federal protections are in place to protect children who participate in such research. Tragically, there are parts of the current law that do not protect children who participate in HHS federally-regulated research, unless it is also federally funded research. These federal protections for children also have not been updated since 1981, and have not been adopted by all of the federal agents that conduct research involving children.

That's why the Children's Research Protection Act we are introducing would require the Secretary of Health and Human Services (HHS) to review the current regulations governing the protection of children participating in research and update them to ensure that the strongest federal protections exist for such children.

Now, only HHS federally funded and federally regulated research has to comply with certain protections for children.

Our bill also would extend research protections for children to all research regulated by the Secretary of HHS, even if it is not federally funded.

Furthermore, our bill would require that all other federal agencies that conduct, support, or regulate research involving children must adopt regulations to provide greater protections for those children.

Finally, our bill would address the shortage of pediatric clinical pharmacologists whose specialized expertise is essential in performing pediatric studies, because the bill would authorize grants to ensure that an adequate number of pediatric clinical pharma-

cologists and clinical investigators are trained and retained to meet the increased demand for expertise created by the Better Pharmaceuticals law. There are fewer than 200 academic-based clinical pharmacologists in the United States, of whom 20 percent are pediatricians. Moreover, the bill would authorize the Secretary of HHS to enter into loan repayment contracts with doctors who agree to train and practice in pediatric pharmacology.

Mr. President, it is very important that we pass our legislation this year. While we have successfully encouraged better drug testing for children through the incentives in the "Better Pharmaceuticals for Children Act," we must take the next step and ensure that strong federal protections are in place to protect the children who participate in such research.

The children who are participating in clinical trials are medical pioneers. They will help to ensure that drugs used for children will be proven to be safe and appropriate for use in children. At the very least, we should make certain that strong federal safeguards exist to ensure their safety as they participate in these trials.

By Mr. KERRY (for himself and Mr. DEWINE):

S. 2810. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CHILD HANDGUN INJURY PREVENTION ACT

Mr. DEWINE. Mr. President, I rise today as an original cosponsor of the Child Handgun Injury Prevention Act being introduced by my friend and colleague from Massachusetts, Senator KERRY. I support this bill because I believe it will save lives.

Recently, we have all witnessed a disturbing trend. Day after day after day, we see shocking news reports about children dying because they got their hands on a loaded, unlocked firearm. In 1999 alone, this was an almost daily occurrence. Last year, more than 300 children died in gun accidents. Most of these accidents occurred in a child's own home, or in the home of a close friend or relative—the very places where these children should feel the safest.

Mr. President, the mixture of children and loaded firearms is deadly. An estimated 3.3 million children in the United States live in homes with firearms—firearms that are always or sometimes loaded and unlocked. I believe that the majority of parents with firearms believe they are being responsible about gun storage and other safety measures dealing with firearms. But, the sad fact is that some parents simply have a fundamental misunderstanding of a child's ability to access

and fire a gun, to distinguish between real and toy guns, to make good judgments about handling a gun, and to consistently follow rules about gun safety. These are children, after all, and we can't expect them to understand completely what is involved with handling a gun safely.

Here's a startling fact: Nearly two-thirds of parents with school-age children who keep a gun in the home believe that the firearm is safe from their children. However, another study found that when a gun was in the home, 75 to 80 percent of first and second graders knew where the gun was kept.

Many gun owners, state and local governments, as well as this Senate, have started to recognize the combustible relationship between children and loaded, accessible firearms. This recognition has led many gun owners to purchase gun safety locks to ensure the safe storage of their handguns. In some states, gun locks are required at the time handguns are purchased. Seventeen states have Child Firearm Access Prevention laws that permit prosecution of adults if their firearm is left unsecured and a child uses that firearm to harm themselves or others. And, also, the Senate passed an amendment to the juvenile justice bill last year that would require the use of gun safety locks.

Despite the fact that gun owners are buying more firearm safety devices and governments are rushing to mandate their use, surprisingly there are no minimum safety standards for these devices. Currently, there are many different types of trigger locks, safety locks, lock boxes, and other devices available. And, there is a wide range in the quality and effectiveness of these devices. Some are inadequate to prevent the accidental discharge of the firearm or to prevent a child access to the firearm.

As governments move toward mandated safety devices, it is crucial that consumers know whether or not the devices they are buying will actually keep children from harming themselves. If states are going to prosecute adults when a child uses a firearm, these gun owners should—at the very least—have some peace of mind that their gun storage or safety lock device is adequate.

The legislation I am introducing today with Senator KERRY would help responsible gun owners and parents know that the safety devices they buy are at least minimally adequate. This legislation just makes sense. It requires the Consumer Product Safety Commission (CPSC) to formulate minimum safety standards for gun safety locks and to ensure that only adequate locks meeting those standards are available for purchase by consumers. The standards to be used by the Commission require that gun safety locks are sufficiently difficult for children to

deactivate or remove and that the safety locks prevent the discharge of the handgun unless the lock has been deactivated or removed.

Mr. President, I would also like to note what this bill does not do. First of all, it does not give CPSC any say in standards of firearms or ammunition. In other words, it is not intended to regulate firearms, themselves, in any way whatsoever. Second, it would not mandate which type of gun lock device consumers use.

As I said earlier, there are many different types of gun locks currently available. Some of these allow for easy access and use of firearms for adults should they decide that is important to them. Other devices are more cumbersome and do not provide quick and easy access. Gun owners would be free to decide what device is best for them. This legislation would have no effect on that issue. Finally, this legislation does not require the use of gun safety locks. While the Senate has already passed legislation to do this, if that language is removed in conference, this legislation will not affect that.

As I have stated already, Mr. President, I believe that this legislation will save lives. But, more than that, this legislation will empower parents—parents who decide that they want to have a gun safety lock but are awash in a sea of different devices—to purchase only gun safety locks that provide adequate protection for their children. I urge my colleagues to join Senator KERRY and me in support of this bill.

By Mr. DASCHLE (for himself and Mr. CONRAD):

S. 2811. A bill to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants; to the Committee on Agriculture, Nutrition, and Forestry.

AMENDING THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2811

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.**

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

“(20) COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.—

“(A) GRANT AUTHORITY.—The Secretary may make grants to associations, units of general local government, nonprofit corpora-

tions, and Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in any geographic area—

“(i) that is represented by—

“(I) any political subdivision of a State;

“(II) an Indian tribe on a Federal or State reservation; or

“(III) other federally recognized Indian tribal group;

“(ii) that is located in a rural area (as defined in section 381A);

“(iii) with respect to which, during the most recent 5-year period, the net out-migration of inhabitants, or other population loss, from the area equals or exceeds 5 percent of the population of the area; and

“(iv) that has a median household income that is less than the nonmetropolitan median household income of the United States.

“(B) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation.”.

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) is amended by striking “section 306(a)(19)” and inserting “paragraph (19) or (20) of section 306(a)”.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 635

At the request of Mr. MACK, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 1197

At the request of Mr. ROTH, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1858

At the request of Mr. BREAUX, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1858, a bill to revitalize the