United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, MONDAY, JUNE 18, 2001 No. 84

Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led today by the Chaplain of the U.S. House of Representatives, Father Daniel Coughlin.

PRAYER

The guest Chaplain offered the following prayer:

Almighty and eternal God, Your faithfulness endures forever; Your love is ever creative. Your blessings have enriched this Nation throughout its history even to this present moment.

Each State represented in this assembly is unique in its identity and its resources. Blessed with people of diversity and freedom, each State has chosen Members of this House to represent its interests, let its voice be heard, and bear its will upon the future of this great Union.

Bless each Member of this Senate with prudence, justice, fortitude, and integrity. Lord, by lively exchange and through working together, may they discover the common ground of this Nation. Then, loosened by the bonds of history and mutualism, may they fortify this Republic and its future.

With Your grace, may there be a new manifestation in our time of these States united in justice and freedom as a peacemaker in the world, both now and forever. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the order previously entered, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Democratic whip is recognized.

SCHEDULE

Mr. REID. Mr. President, as you have announced, there will be morning business during the afternoon. There will be no rollcall votes today. Tomorrow we have every intention of bringing up the Patients' Bill of Rights. All Members should expect some long nights this week and next week prior to the Fourth of July break. It is the expectation of the majority leader that we finish the Patients' Bill of Rights before the Fourth of July break. So there will be rollcall votes throughout the remainder of the week.

MEASURE PLACED ON CALENDAR—S. 1052

Mr. REID. Mr. President, there is a bill at the desk due its second reading. I now ask unanimous consent that the bill be read a second time, but I would object to any further proceedings with respect to the bill at this time.

The PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

The PRESIDENT pro tempore. There being an objection to any further proceedings on the bill, the bill will be placed on the calendar.

H.R. 1—FURTHER MODIFICATION OF AMENDMENT NO. 549

Mr. REID. Mr. President, I ask unanimous consent that, notwithstanding passage of H.R. 1, it be in order for the previously agreed to amendment No. 549 to be further modified with the changes that are now at the desk.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The amendment (No. 549), as further modified, is as follows:

''(A) AMOUNT.—In determining the amount of a grant awarded under this subsection; the Secretary shall consider the cost of the modernization and the ability of the local educational agency to produce sufficient funds to carry out the activities for which assistance is sought.

''(B) FEDERAL SHARE.—The Federal funds provided under this subsection to a local educational agency shall not exceed 50 percent of the total cost of the project to be assisted under this subsection. A local educational agency may use in-kind contributions, excluding land contributions, to meet the matching requirement of the preceding sentence.

''(C) MAXIMUM GRANT.—A local educational agency described in this subsection may not receive a grant under this subsection in an amount that exceeds $5,000,000 during any 2-year period.

''(5) APPLICATIONS.—A local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary.''

Mr. REID. I thank the Chair.

The PRESIDENT pro tempore. The Senator from North Dakota, Mr. DORGAN, is recognized for 10 minutes.

PATIENTS' BILL OF RIGHTS

Mr. DORGAN. Mr. President, I would like to speak today about the Patients' Bill of Rights, or the Bipartisan Patient Protection Act, which we are going to be turning to beginning tomorrow morning in the Senate. This

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

debate revolves around the development of for-profit health care and the growth of big managed care organizations and what that has meant to patients and people around this country who seek medical help. For some 4 years now we have been debating what has been happening with the explosion of HMOs in our health care system.

All of us understand the basics of medicine. That is, we understand that if you have a medical affliction, you need to go see someone who is trained in the field of medicine. Often, they perform certain tests, and if you have an acute problem, often they check you into a hospital to get the needed treatment in those circumstances.

But things have changed in recent years in this country. The emergence of for-profit managed care organizations that are now in charge of health care for a good many Americans has changed the delivery of health care. The delivery of health care to individual patients now does not just involve the delivery of health care advice from a doctor to a patient in an examining room. It is more than that. In some cases, we now have someone in an insurance company office 1,000 miles away perhaps, who is making a decision about what medical care they will cover and what they will not cover with respect to this particular patient.

In recent years, Congress began to get a great deal of mail from patients saying: I had a health care plan only to discover that, when I became very sick and needed the benefits of that plan, those benefits were not available to me. Not only was I required as a patient to fight a battle with cancer, I was also required, they write, to fight a battle with cancer and then a battle with my managed care organization to give me the treatment I needed.

So we will soon have before us a bipartisan Patients' Bill of Rights, or Bipartisan Patient Protection Act. Yes, it is bipartisan. Democrats and Republicans are together bringing a bill to the floor of the Senate, saying we need to change what is happening in the delivery of health care in a way that provides fundamental rights to patients.

Let me describe some of those rights. Patients ought to have the right to know all of their medical options for treatment, not just the cheapest medical option. Second, a patient ought to have the right to ''medically necessary'' care without some arbitrary interference by an HMO or a managed care organization. Doctors and patients, not health plan executives, ought to determine the care that is needed.

Patients ought to have the right to choose the doctor they want for the care they need, including especially specialty care.

Patients ought to have the right to emergency room care when they have an emergency.

A patient ought to have the right to have access to prescription medicine that the doctors say are medically necessary for the patient.

You ought to have the right to a fair and speedy process for resulting disputes with your health care plan or your managed care organization.

And, finally, you ought to have the right to hold that managed care organization or health care plan accountable if its decision results in injury or even death.

As this debate gets underway, we will hear a lot of things about this bill. We will hear that this is ''a trial lawyer's bill of rights.'' God forbid, they will say, that we should give patients the right to go to an attorney and seek redress against a managed care organization that didn't do right by them.

I find this a fascinating description of this bill. I will talk a bit more about it later. But those who will come to the floor of the Senate and talk about their concern about lawyers being involved are concerned only for one side. They say: We don't want patients to have the ability to go to a lawyer to get legal help to demand that managed care organizations give them the care they need and the care they thought was guaranteed to them; let's not allow patients to have a lawyer.

They don't say anything about the managed care organizations. Those big organizations have all kinds of lawyers working for them. If a patient doesn't pay a bill, or a monthly premium, guess what? The managed care organization can certainly go a hire a lawyer. Right? They have a battery of lawyers with whom to pursue their objectives. Those who oppose this legislation say the patient ought not have the right to seek redress.

I would like to go through a few examples today and draw some conclusions. As I do that, I would like to point out that these examples are real people. I have used some of them before, and some are new. But let me describe the problems we are trying to address with this legislation through the patients and the difficulties these patients have been forced to go through in order to get the medical help they thought they were going to get under their managed care plan.

Let me turn to James Adams. I have spoken of James Adams before on the floor of the Senate. This is a picture of James Adams, the happy and healthy little fellow tugging on his sister's shirt sleeve to get her attention. He lost both of his hands and legs.

James Adams is now 7 years old. Because of his parents' HMO rules, what happened to him in March of 1993 when he was only 6 months old changed his life forever. He was suffering from a 105-degree fever. His mother took him to the family's HMO pediatrician, who diagnosed a respiratory ailment for this young fellow and a postnasal drip and prescribed saline drops, vaporizer use, and Tylenol. The pediatrician told the mother not to worry, that high fevers in young children don't necessarily mean a serious illness.

Late that night, his temperature was still rising and he was in great discomfort. His worried mother called the HMO. The nurse on duty recommended bathing this young fellow in cold water. The pediatrician then placed a follow-up call advising the parents to bring James to an HMO participating hospital 42 miles away, even though there were 3 closer hospitals.

On the way to the furthest hospital, which was the HMO hospital 42 miles away, this young boy suffered full cardiac and respiratory arrest and lost consciousness. The parents passed three hospital emergency rooms before they could finally reach the HMO hospital, which is where they would have coverage, according to their HMO.

Upon James' arrival, doctors were able to return his pulse and breathing. But the circulation to his hands and feet had been cut off and could not be returned, causing irreparable damage to his extremities. The result? Both of his hands and feet had to be amputated. That rendered him into a situation he will have to live with for all of his life. The delay in care caused by driving almost an hour to an affiliated hospital took its toll.

One asks the question: Is it a reasonable thing to have a young boy with a 105-degree fever go to a hospital 42 miles away and pass 3 hospitals on the way? That is the way some HMOs work. That is not the way a plan should work. Any emergency room ought to be available to this young fellow in an emergency.

Let me describe another story, dealing with another person who was denied coverage to emergency room care.

Jacqueline Lee lives in Bethesda, Maryland. A lover of the outdoors, she took a trip to hike in the Shenandoah Mountains in the summer of 1996. While walking on one of the trails, she lost her footing, and plummeted off of a 40-foot cliff to the ground below. Luckily for Jacqueline, she was quickly airlifted from the mountain to a hosptial in Virginia. Amazingly, she survived the fall, sustaining fractures in her arms, pelvis, and her skull.

After she survived and went through a convalescence, her HMO refused to pay more than $10,000 in emergency room bills because it said this woman who was brought into an emergency room on a gurney, unconscious, did not get preapproval for using emergency room services.

Because an unconscious patient falling off a 40-foot cliff, suffering substantial injuries, did not get preapproval, the managed care organization said it would not pay the emergency room fees. This is an example of emergency room care that is needed by a patient who had protection under her health plan only to be told later that she wouldn't be covered for emergency room treatment. Is that something patients should worry about? They shouldn't have to worry about that.

Our Patients' Bill of Rights says emergency room treatment is available in emergencies under what is called a prudent layperson standard of defining what an emergency is.

Let's not have more delay and all kinds of shenanigans by the managed care organization to see how it can withhold treatment. Let's say that if you have an emergency and you are covered by a managed care plan, you deserve the right to be treated at an emergency room. It ought to be true for Jacqueline Lee. It ought to be true for James Adams. It ought to be true for every patient covered under a plan who needs emergency room treatment.

Let me describe the situation of Ethan Bedrick. I have spoken of Ethan before.

The reviewing doctor never met with the family and never met with this young boy, Ethan. He simply said: Only a 50-percent chance of being able to walk by age 5 is a ''minimal benefit'' and therefore his insurance company would not continue the therapy.

Ethan Bedrick was born on January 28, 1992. His delivery went badly, and as a result of asphyxiation, he has suffered from severe cerebral palsy and spastic quadriplegia, which impairs motor functions in all his limbs. Ethan was put on a regimen of intense physical, occupational and speech therapy to help him overcome some obstacles throughout his development.

At the age of 14 months, Ethan's insurance company abruptly cut off coverage for his speech therapy, and limited this physical therapy to only 15 sessions per year. This change was recommended by an insurance company doctor performing a ''utilization review'' of Ethan's case. The reviewing doctor cited a 50 percent chance that Ethan could walk by age 5 as a ''minimal benefit'' of further therapy.

Ethan's parents appealed to the courts. The courts said:

> It is as important not to get worse as it is to get better. The implication that walking by age 5 . . . would not be ''significant progress'' for this unfortunate child is simply revolting.

Unfortunately, during the time of court action, Ethan lost three years of vital therapy. And even then, the Bedricks were left with no remedy for compensation for Ethan's loss of therapy.

Does this child need patient protections? You bet your life. This child and his family need patient protections.

Let me describe a young boy named Christopher Roe. I was holding a hearing one day in Las Vegas, NV, with my colleague, Senator REID. Christopher's mother, Susan, came to the hearing, and she held, above her head, a picture the size of the one I have in the Chamber. Susan began to speak about her son Christopher and this subject of patients' protection.

His mother said that Christopher Thomas Roe died October 12, 1999. It was his 16th birthday. The official cause of Christopher's death was leukemia. But Susan said the real cause of Christopher's death was that the family's health plan denied him the chemotherapy drug he needed. Yes, it was investigational, but it would have given him a chance at life; and it was denied at every step of the way.

Christopher was first diagnosed with leukemia in 1998. He at first achieved remission, only to develop an early relapse. His pediatric oncologist recommended he receive a bone marrow transplant, which was his only hope for long-term survival. But before he could receive a bone marrow transplant, he needed to go into a second remission.

Chris's oncologist felt that because of his early relapse, he needed an additional drug that the oncologist recommended. It was available at the Hughes Institute in St. Paul, MN, but it had already proven effective in fighting the specific kind of leukemia cells young Christopher had.

The health plan denied treatment saying, no, this drug is experimental, even though it wouldn't have had to pay for the drug itself, only the blood draws, physician visits, and blood products it would have paid for had he received traditional chemotherapy.

Chris's family immediately appealed. The review, which was supposed to have taken 48 hours, took 10 days. Meanwhile, as the appeal dragged on, Christopher's condition worsened, and his oncologist felt he had no choice but to start Christopher on the more traditional chemotherapy. But that did not work.

The National Bone Marrow Donor Program found six perfect matches for this young boy, which is almost unheard of. Unfortunately, he was never able to make it to a bone marrow transplant because he was never able to achieve the second remission without the drug he needed in order to do that. At a hearing that I held with my colleague, Senator REID, his mother Susan stood up and held this picture of young Christopher above her head, and she began crying as she described her son's death. She said: My son was 16 years old. And he looked up at me from his bed and said: Mom, I just don't understand how they could do this to a kid.

This mother felt that her son deserved every opportunity, deserved a fighting chance against his disease. What she said was: My son and our family had to fight the cancer and fight the managed care organization at the same time, and that is not fair.

She is right about that. We ought not have this happen in our country. I hope that, in the name of Christopher Roe and so many others, we can pass a patients' protection act in this Congress that says to them and others like them: You have certain rights as patients. Right now the odds are stacked. We have the big interests over here, and they have all the money and all the lawyers; and we have the patients over here who, alone with their families, are left to fight the battle.

We had a hearing in Washington, DC, about a year ago. A mother from New York came to that hearing. Mary Lewandowski was her name. I will never forget her because she came up to me after the hearing and gave me a big hug, and we talked about her daughter Donna Marie. Donna Marie died February 8, 1997. Her mother Mary has made it a cause to try to see if she can prevent from happening to others what happened to her child. Mary comes to Congress at her own expense. Nobody pays her way here. Every chance she gets, she comes to talk about her daughter.

The week of her daughter Donna's death, she had been to a doctor four times in 5 days. Despite her worsening symptoms, this young girl was told that she had an upper respiratory infection, and she had panic attacks, her doctor said. She was 22 years old. On the evening of February 8, Donna was in a tremendous amount of pain. Her mother called the hospital, and was told she could not bring her daughter to the hospital unless it was a life-or-death situation, or unless she had a doctor's referral.

Mary tried in vain to reach Donna's doctor. One hour later, Donna lapsed into a coma and died. She died from a blood clot on her lung the size of a football.

Donna's doctor later told her mother that a $750 lung scan might well have saved her daughter's life. But the test was not performed because it could not be justified to the HMO or the managed care organization.

Now I would like to turn, just for a moment, to a couple of other issues in this debate. The question of whether care is ''medically necessary'' is often cited as a reason for lack of treatment by a managed care organization.

This is a picture of a young baby born with a horrible problem, a cleft upper lip: A terrible disfigurement. Surgeons tell me that—in fact, one Member of Congress, who is an oral surgeon confirms this—it is not unusual at all to be told that fixing this is not ''medically necessary'' and, therefore, the health care plan will not cover it. It is not ''medically necessary'' to fix this. Can you imagine being told that as a parent?

Let me show you a picture of what it looks like when you fix this problem. This picture shows what that young child can look like when that problem is fixed.

After looking at the results, can one really say it is not medically necessary to fix this? This legislation begins to define what the rights of patients are with respect to what is ''medically necessary.''

Is it necessary for us to pass this legislation? In the name of all of these children, in the name of these patients and in the name of these people who have to fight dread diseases and their managed care organizations at the same time, the answer clearly is yes. We ought to give them those opportunities. And those opportunities exist in this legislation.

This will be a long and difficult debate. I do not know whether the votes will exist at the end of this debate to pass it.

But I do know this: This debate has gone on for nearly 4 years now. This is an iteration of an iteration of an iteration. It is a compromise after a compromise after a compromise. It is a bipartisan bill brought to the Senate Chamber to say: Let us provide patient protections against those HMOs that want to withhold needed treatments for patients. Let's change the odds.

Let me hasten to say, not all insurance companies or HMOs are bad actors. Many of them are wonderful, and do a great job, and serve their patients very well. I commend them.

There are some, however, who look at a patient in the context of profit and loss. A woman in the State of Georgia suffered a very severe head injury. She was put in an ambulance, and on the way to a hospital—she was not quite unconscious—she had the presence of mind to tell the ambulance driver: I want to go to the following hospital. And it was the farthest hospital away, about another 10 minutes. They took her there, but they later asked her why, with a brain injury, she would want to take the extra 10 minutes to go to a further hospital. She said: I know about the hospital that was closer. It is a hospital with a reputation for taking a look at a patient who is coming in and seeing the dollars and cents, the profit and loss. I didn't want my medical care to be the function of someone else's calculation of profit and loss.

This is from a woman in an ambulance with a brain injury. My point is very simple. This country needs to have some basic protections for patients, and the patients want those protections. Especially with the growth of managed care organizations, many of whom do a fine job, but some of whom do not, we need these protections.

We need to say, as a matter of public policy in this country, patients have certain rights. Yes, you have a right to know all of your options for medical treatment, not just the cheapest one the managed care organization might want to tell you about.

Yes, you have a right to an emergency room when you have an emergency. Yes, you have a right to be able to see the specialist you need when you need to see one. Yes, you have a right, if your spouse is being treated for breast cancer and you have changed jobs, for your wife to see that same oncologist who has been working with for her for the last 5 years to fight her breast cancer. You ought to have that right, and this legislation will give you that right.

We will have Senators who will assert that this is a bill about trying to create more lawsuits. It is not that at all. It is about trying to provide patient protections. As I said when I started, the managed care organizations have all the lawyers they need. They can hire all the lawyers they need and want unimpeded. No one is going to come to the Chamber from the other side and talk about limiting the rights of the big managed care organizations or insurers to hire lawyers, are they? I don't think so. But they will say: We don't want patients to have access to attorneys to hold managed care organizations accountable.

This is all about accountability. The Red Cross can be held accountable. Boy Scouts can be held accountable. Everybody can be held accountable except, in these circumstances, managed care organizations. This piece of legislation says everybody ought to be held accountable.

This is not about lawyers, this is about getting the right care to patients when they need it.

I suspect we will debate this for a couple of weeks. We have had this debate before. This legislation has changed from that time. For example, we hear from small businesses, who are now getting mailings around the country, saying: If Congress passes this Patients' Bill of Rights, this is going to break our small businesses because we will be held accountable. That is not true. In fact, this has changed so that we use exactly the same language the majority party used in its substitute in 1999. This bill isn't in any way putting in jeopardy small businesses. We don't hold them accountable. They are not accountable at all in circumstances where they have not had direct participation in making decisions about patient care. They are not accountable in that circumstance and should not be accountable because they were not making the decision.

This is about managed care organizations and patients and the relationship between the two and the rights patients ought to have.

I have other pictures. I have other stories. I will at some point later describe more of them in terms of what is ''medically necessary'' because by deciding what is medically necessary is another very important way in which HMOs can withhold treatment.

I am going to show a poster on the issue of medical necessity that is a little more subtle than perhaps the other one I used but just as important. Brenna Nay was born in 1987. She has abnormal facial features characteristic of what is called Hajdu-Cheney syndrome. The shape of her skull is distorted. She had no chin. The question is, is it medically necessary to treat this young lady?

Let me show the result after surgery. They built this young woman a chin. After surgery, does that improve that young woman's life? Is this something you ought to expect would be covered in a health plan? In my judgment, it should.

I have other pictures that are similar. I will use them later.

This ''medically necessary'' issue is critically important. I feel passionate about these health care issues. I have lost a member of my family. I have sat in intensive care day after day after day and know what it is like to lose a member of my family in a circumstance I can hardly begin to describe. In my case, my loss didn't have anything to do with the managed care organization withholding treatment. But I understand the passion of parents. I understand the passion of people who are fighting for their lives, who are struggling and fighting mightily against dread diseases and illnesses they know can kill them and then discover they not only have to waste the emotional energy to wage war against cancer or heart disease or so many other problems, but they also have to try at the same time to fight a managed care organization that ought to be covering that which is in their health care plan.

That is not right. That is not fair. These are the types of problems this piece of legislation is designed to try to address. If we can pass this legislation, the country will be a significant step ahead in dealing with patients' needs and protections.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(Mr. DORGAN assumed the chair.)

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 15, 2001, the Federal debt stood at $5,632,910,105,449.16, five trillion, six hundred thirty-two billion, nine hundred ten million, one hundred five thousand, four hundred forty-nine dollars and sixteen cents.

One year ago, June 15, 2000, the Federal debt stood at $5,644,607,000,000, five trillion, six hundred forty-four billion, six hundred seven million.

Twenty-five years ago, June 15, 1976, the Federal debt stood at $612,128,000,000, six hundred twelve billion, one hundred twenty-eight million, which reflects a debt increase of more than $5 trillion, $5,020,782,105,449.16, five trillion, twenty billion, seven hundred eighty-two million, one hundred five thousand, four hundred forty-nine dollars and sixteen cents during the past 25 years.

ADDITIONAL STATEMENTS

HONORING COLONEL JAMES GARRARD JONES, FIRST MAYOR OF EVANSVILLE

• Mr. LUGAR. Mr. President, I rise today to honor a true pioneer in public service, Colonel James Garrard Jones.

Colonel Jones was born in Paris, KY on July 3, 1814, but soon became a resident of the great State of Indiana when

his family moved there in 1819. This move was Indiana's good fortune, for it did not take long for Colonel Jones to become involved in public life.

The young Colonel Jones served as Surveyor and Deputy Recorder of Vanderburgh County, leaving a lasting mark as the county's early field notes and books of deeds and mortgages appear in his handwriting. He went on to serve as Evansville Trustee and Evansville Attorney under the town corporation. In 1847, Colonel Jones's efforts in the establishment of a city government culminated with his election as first Mayor of Evansville. He won reelection as Mayor in 1850.

Colonel Jones took his service to the State level with his election as Attorney General of Indiana in 1860. But shortly thereafter he was appointed Colonel of the Forty-Second Regiment of the Indiana Volunteer Infantry, and he left office to serve with the regiment.

After hostilities ended, Colonel Jones practiced law until Governor Baker appointed him to his final position of public service in 1869 as Judge of the Fifteenth Judicial Circuit.

Colonel Jones passed away on April 5, 1872. This public servant, husband, and father to eight children is remembered not only for his public service, but also for his intelligence, kindness, and geniality.

On June 23, 2001, the descendants of Colonel Jones, the current Mayor of Evansville, IN, Russell Lloyd Jr., the Friends of the Forty-Second Regiment Indiana Volunteer Infantry, and others will gather to remember Colonel Jones with the placement of a new bronze marker at his grave site in the Oak Hill Cemetery in Evansville. I am pleased to join them in honoring this fine man who contributed greatly to Evansville, the state of Indiana, and our nation.●

CONGRATULATING SHIRLEY M. CALDWELL TILGHMAN

● Mr. TORRICELLI. Mr. President, I rise today to congratulate Shirley Tilghman on becoming the 19th President of Princeton University. Dr. Tilghman comes to this revered post eminently qualified, having previously served as an exceptional teacher and a world renowned scholar.

Dr. Tilghman has been a valuable member of the Princeton faculty for many years. Arriving at Princeton in 1986, she served as the Howard A. Prior Professor of the Life Sciences. She has also served as the chair of Princeton's Council on Science and Technology from 1993 through 2000, and in 1998 undertook the responsibilities of founding director for Princeton's multi-disciplinary Lewis-Sigler Institute for Integrative Genomics. The founding of the Lewis-Sigler Institute grew out of Dr. Tilgman's role as one of the architects of the national effort to map the human genome.

Harold R. McAlindon once said, ''Do not follow where the path may lead. Go instead where there is no path and leave a trail.'' I am confident that based on Dr. Tilghman's wealth of experience and interests, she will continue in this spirit as she guides Princeton University. I wish her all the best.●

TRIBUTE TO KATHLEEN MOORE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Kathleen Moore of Goffstown, NH, for her act of heroism. I commend her for the act of risking her own life to save the life of a fellow citizen.

While returning home after babysitting for children of a friend, Kathleen spotted a burning automobile that had crashed into a tree. Alarmed by the sound of banging from inside the vehicle, Kathleen, a postal employee, risked her life while aiding Mark Renaud, of Barnstead, NH, who was trapped underneath the burning car.

Kathleen, who had lost a daughter and a son in an automobile accident 12 years earlier, heroically pulled Mark Renaud out of the flaming inferno that had consumed the car. Thanks to the selfless actions of Kathleen, Mark is alive today.

Kathleen Moore is a role model for the citizens of Goffstown, our State and country. I applaud her act of heroism and charity. It is an honor and a privilege to represent her in the United States Senate.●

CONGRATULATING THE MERCK INSTITUTE OF AGING & HEALTH

● Mr. CORZINE. Mr. President, I rise to congratulate the Merck Institute of Aging & Health and its executive director, Dr. Patricia Barry, on its public introduction today.

As the baby boom becomes the senior boom, the number of Americans over 65 will double within the next 30 years to 70 million. This significant increase in the life span means that we must find ways to increase the health span, or America will grow sicker as it grows older.

Located in Washington, DC, the Merck Institute of Aging & Health is a new nonprofit organization established to help increase the health span by promoting active aging. Funded by the respected Merck Company Foundation of White House Station, NJ, the new institute is specifically dedicated to improving the health, independence, and quality of life of older people around the world. It will fulfill this mission by communicating vital health information, educating the public and health professionals about healthy aging, and encouraging research in the aging field.

As more individuals start to enjoy longer lives, they also need to enjoy better lives. They need to learn how to age without losing independence, and they need to see the promise of active aging transformed into reality. This is both the challenge and charge of the new institute, and I have every confidence that its director and staff will meet that challenge and help the public, professionals, and policymakers face the critical issue of active aging in the 21st century. In the process, I know that this institute will help prove, in the words of Dr. Barry, that ''Aging should not be seen as an obstacle, but as an opportunity.''

Again, I congratulate the Merck Institute of Aging & Health on its public introduction, and I wish it continued success throughout the coming years.●

LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 24, 1999 in San Diego, California. Hundreds of gay-pride marchers and spectators were tear-gassed when someone threw a military-issue tear-gas grenade near the Family Matters contingent during the 25th annual Pride Parade. Family Matters is a social and educational group for gay and lesbian parents and their families. The 70-person contingent included small children and babies in strollers.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.●

SPEARFISH HIGH SCHOOL ''WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION'' FINALISTS

● Mr. JOHNSON. Mr. President, I rise today to publicly commend an excellent group of students from Spearfish High School in Spearfish, SD. This class of 23 government students performed extraordinarily well at the Center for Civic Education's ''We the People . . . The Citizen and the Constitution'' national finals held in Washington, D.C. The Spearfish High School class competed with 49 other government classes from around the country, and I applaud these students for their outstanding performance and for their dedication and commitment to studying the U.S. government.

''We the People . . . The Citizen and the Nation,'' is an outstanding program directed by the Center for Civic Education and funded by the United States Department of Education by an act of Congress. The program's goal is to create an enlightened citizenry that

is well-versed on the principles and virtues of America's constitutional democracy. To help meet this goal, students take part in an instructional curriculum that culminates with a simulated congressional hearing that tests students knowledge and understanding of the history and principles of American government.

Spearfish, SD is a wonderful town located in the northern part of the Black Hills, home to Mt. Rushmore, Crazy Horse monument, and other beautiful landmarks and landscapes. I am proud that these students from Spearfish serve as such excellent representatives of our great State of South Dakota. I commend them for their talent and their commitment to learning about our Nation's system of government.

For their contributions to the successful team effort, I congratulate class members Ryan Aalbu, Jessica Barron, Ryan Batt, Chelsea Brennan, Christi Coburn, Doug Dodson, Johanna Farmer, Ryan Freemont, Christina Hammerquist, Marie Hoffman, Matt Loken, John Martin, Cassie Parsons, Faith Pautz, Kara Peep, Danielle Peterson, Crystal Sachau, Amanda Schlepp, Jordan Schmit, Mindy Simonson, Mark Stratton, Erin Talsma, and Aaron Varadi.

Mr. Patrick Gainey deserves special recognition for his role in this accomplishment. As the teacher of this class, he both taught and inspired these students, while leading them to the national finals competition. I also acknowledge State Coordinator Lennis Larson, and District Coordinator Mark Rockafellow for helping to facilitate this event for these students.

I am proud that South Dakota is home to such outstanding students, whose desire and commitment to studying our constitutional government is clearly evident from this achievement. I thank you, for allowing me time to share this outstanding accomplishment with my Senate colleagues. Their performance in this national competition not only makes all of South Dakota proud, but also serves as a model for other talented and motivated students throughout our state to emulate.●

TRIBUTE TO CAPTAIN FRANK HOLDSWORTH

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Captain Frank Holdsworth of Londonderry, NH, on the occasion of his retirement from the Londonderry Police Department. For 23 years he has served the citizens of Londonderry with dedication and pride.

Frank began his career as a special officer and was promoted 6 times earning the titles of patrolman, corporal, sergeant, lieutenant, and captain. He has held every position within the police force due to his reliable and professional performance.

Frank has been actively involved in community affairs programs at the Londonderry Police Department. He was influential in starting the field training program and also worked with the secret service when presidential campaigns came to town. Frank was in civic groups including: Londonderry Athletic and Field Association, Lions Club and Police Relief Association.

I commend Frank for his loyal and dedicated service to the Town of Londonderry. The citizens of Londonderry and the State of New Hampshire are grateful for his contributions to the community and his profession.

I wish Frank and his family well as he retires from the Londonderry Police Department. It is truly an honor and a privilege to represent him in the United States Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar.

S. 1052. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2384. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Payments for Recovery of Lost Production Income'' (Doc. No. 00–037–4) received on June 13, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2385. A communication from the Congressional Review Coordinator , Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Cattle; State and Area Classifications; Florida'' (Doc. No. 01–020–1) received on June 14, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2386. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report relative to the assessment of the cattle and hog industries for calendar year 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2387. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Penalties for Underpayments of Deposits and Overstated Deposit Claims'' (RIN1545-AY79) received on June 14, 2001; to the Committee on Finance.

EC–2388. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, a report dated June 14, 2001; to the Committee on the Budget.

EC–2389. A communication from the Acting General Counsel, Executive Office of the President, transmitting, pursuant to law, the report of a nomination changed for the position of Director of the National Drug Control Policy, received on June 14, 2001; to the Committee on the Judiciary.

EC–2390. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority—Portfolio Loan Servicing Contractor'' (RIN2900–AK72) received on June 14, 2001; to the Committee on Veterans' Affairs.

EC–2391. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''NIDRR—Technology for Successful Aging, Technology for Transportation Safety, and Mobile Wireless Technologies for Persons with Disabilities'' received on June 13, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2392. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to efforts made by the United Nations and the UN Specialized Agencies to employ an adequate number of Americans during 2000; to the Committee on Foreign Relations.

EC–2393. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Deputy Under Secretary of Defense, Logistics and Material Readiness, received on June 14, 2001; to the Committee on Armed Services.

EC–2394. A communication from the Acting Deputy General Counsel, Office of Surety Bond Guarantees, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Surety Bond Guarantee Program'' (RIN3245–AE74) received on June 14, 2001; to the Committee on Small Business.

EC–2395. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Community Development Revolving Loan Program For Credit Unions'' (2 CFR Part 705) received on June 14, 2001.

EC–2396. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Central Liquidity Facility Final Interpretive Ruling and Policy Statement 01–2 Central Liquidity Facility Advance Policy'' received on June 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2397. A communication from the Principal Deputy Associate Administrator of the

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Illinois; Oxides of Nitrogen'' (FRL6998–2) received on June 13, 2001; to the Committee on Environment and Public Works.

EC–2398. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, a report relative to the status of licensing and regulatory duties dated April 1, 2001; to the Committee on Environment and Public Works.

EC–2399. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Alaska'' (FRL6993–7) received on June 14, 2001; to the Committee on Environment and Public Works.

EC–2400. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Maryland Regulatory Program'' (MD–046–FOR) received on June 13, 2001; to the Committee on Energy and Natural Resources.

EC–2401. A communication from the Assistant Secretary, Land and Minerals Management, Leasing Division, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf-Definition of Affected State'' (RIN1010–AC74) received on June 14, 2001; to the Committee on Energy and Natural Resources.

EC–2402. A communication from the Acting Assistant Secretary of Regulatory Affairs, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled ''Mining Claims Under the General Mining Laws, Surface Management'' (RIN1004–4022) received on June 14, 2001; to the Committee on Energy and Natural Resources.

EC–2403. A communication from the Deputy Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Uranium Industry Annual 2000''; to the Committee on Energy and Natural Resources.

EC–2404. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator of the Office of Federal Procurement Policy, received on June 13, 2001; to the Committee on Governmental Affairs.

EC–2405. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2406. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the lists of General Accounting Office Reports for April 2001; to the Committee on Governmental Affairs.

EC–2407. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2408. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2409. A communication from the Executive Director of the Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on June 14, 2001; to the Committee on Governmental Affairs.

EC–2410. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Poor Management Oversight and Financial Irregularities Plague the District's Abandoned and Junk Vehicle Program''; to the Committee on Governmental Affairs.

EC–2411. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Commissioner of Customs, United States Custom Service, received on June 8, 2001; to the Committee on Finance.

EC–2412. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant General Counsel (Treasury), Chief Counsel, Internal Revenue Service, received on June 8, 2001; to the Committee on Finance.

EC–2413. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Deputy Under Secretary/Designated Assistant Secretary (Internal Affairs), received on June 8, 2001; to the Committee on Finance.

EC–2414. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the discontinuation of service in acting role and nomination confirmed for the position of Chief Financial Officer, received on June 8, 2001; to the Committee on Finance.

EC–2415. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Chief Financial Officer, received on June 8, 2001; to the Committee on Finance.

EC–2416. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the discontinuation of service in acting role and nomination confirmed for the position of Assistant Secretary (Management), received on June 8, 2001; to the Committee on Finance.

EC–2417. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary (Management), received on June 8, 2001; to the Committee on Finance.

EC–2418. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the discontinuation of acting role, the designation of acting officer, a vacancy and a nomination confirmed for the position of General Counsel, received on June 8, 2001; to the Committee on Finance.

EC–2419. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and nomination for the position of Assistant Secretary (Financial Markets), received on June 8, 2001; to the Committee on Finance.

EC–2420. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and nomination for the position of Assistant Secretary (Public Affairs), received on June 8, 2001; to the Committee on Finance.

EC–2421. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary (Financial Institutions), received on June 8, 2001; to the Committee on Finance.

EC–2422. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary (Enforcement), received on June 8, 2001; to the Committee on Finance.

EC–2423. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary (Economic Policy), received on June 8, 2001; to the Committee on Finance.

EC–2424. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Assistant Secretary (Tax Policy), received on June 8, 2001; to the Committee on Finance.

EC–2425. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Assistant Secretary (Tax Policy), received on June 8, 2001; to the Committee on Finance.

EC–2426. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Deputy Under Secretary/Designated Assistant Secretary (Legislative Affairs), received on June 8, 2001; to the Committee on Finance.

EC–2427. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Deputy Under Secretary/Designated Assistant Secretary (Legislative Affairs), received on June 8, 2001; to the Committee on Finance.

EC–2428. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Treasurer of the United States, received on June 8, 2001; to the Committee on Finance.

EC–2429. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the designation of acting officer and a nomination for the position of Under Secretary for Enforcement, received on June 8, 2001; to the Committee on Finance.

EC–2430. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and the discontinuation of service in acting role for the position of Under Secretary of Enforcement, received on June 8, 2001; to the Committee on Finance.

EC–2431. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, the designation of acting officer, and a nomination for the position of Under Secretary for Domestic Finance, received on June 8, 2001; to the Committee on Finance.

EC–2432. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, a nomination, and a nomination confirmed for the position of Under Secretary of International Affairs, received on June 8, 2001; to the Committee on Finance.

EC–2433. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Deputy Secretary, received on June 8, 2001; to the Committee on Finance.

EC–2434. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, the designation of acting officer, the discontinuation of service in acting role, a nomination, and a nomination confirmed for the position of Secretary of the Treasury, received on June 8, 2001; to the Committee on Finance.

EC–2435. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; NOAA Information Collection Requirements; Regulatory Adjustments; Technical Amendment'' (RIN0648–AP23) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2436. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator of the Research and Special Programs Administration, received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2437. A communication from the Senior Regulatory Analyst of the Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalties'' (RIN2105–AC92) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2438. A communication from the Senior Regulatory Analyst of the Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs; Threshold Requirements and Other Technical Revisions'' (RIN2105–AC89) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2439. A communication from the Senior Regulatory Analyst of the Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Credit Assistance for Surface Transportation Projects'' (RIN2105–AC87) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2440. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes Powered by P and W JT9D–7 Series Engines'' ((RIN2120–AA64)(2001–0238)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2441. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: GE Electric Company CF34 Series Turbofan Engines'' ((RIN2120–AA64)(2001–0258)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2442. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Air Tractor, Inc; AT–400, AT–500, and AT–800 Airplanes'' ((RIN2120–AA64)(2001–0257)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2443. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Sikorsky Aircraft Corporation Model S76A, S76B, and S76C Helicopters'' ((RIN2120–AA64)(2001–0255)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2444. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: GE Company CF34 Series Turbofan Engines'' ((RIN2120–AA64)(2001–0252)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2445. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD88 Airplanes'' ((RIN2120–AA64)(2001–0253)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2446. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: GE Model CF6–80C2 Turbofan Engines'' ((RIN2120–AA64)(2001–0254)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2447. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lockheed, Model 188A and 188C Series Airplanes'' ((RIN2120–AA64)(2001–0247)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2448. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lockheed Model L–1011–385 Series Airplanes'' ((RIN2120–AA64)(2001–0248)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2449. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: American Champion Aircraft Corporation 7, 8, and 11 Series Airplanes'' ((RIN2120–AA64)(2001–0250)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2450. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737, 747, 757, 767, and 777 Series Airplanes; Request for Comments'' ((RIN2120–AA64)(2001–0251)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2451. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD11 Series Airplanes'' ((RIN2120–AA64)(2001–0243)) received on June 14 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–2452. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: DG Flugzeubau GmbH Models DG 500 Elan Series, DG 500M and DG 500MB Sailplanes'' ((RIN2120–AA64)(2001–0245)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2453. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Learjet Model 35, 35A, 36, 36A Series Airplanes'' ((RIN2120–AA64)(2001–0246)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2454. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Model BH 125, DH 125, and HS 125 Series Airplanes'' ((RIN2120–AA64)(2001–0240)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2455. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: P and W PW4000 Series Turbofan Engines'' ((RIN2120–AA64)(2001–0241)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2456. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fairchild Aircraft, INC, SA226 Series and SA227 Series Airplanes'' ((RIN2120–AA64)(2001–0242)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2457. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Inc. Model 47B, 47B–3, 47D, 47D–1, 47G, 47G–2, 47G2A, 47G–2A–1, 47G–3, 47G–3B, 47G–3B–1, 47G–3B–2, 47G–3B–2A, 47G–4, 47G–4A, 47G–5, 47G–5A, 47H–1, 47H–2, 47H–2A, and 47K Helicopters; Request for Comments'' ((RIN2120–AA64)(2001–0239)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2458. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 707 and 720 Series Airplanes'' ((RIN2120–AA64)(2001–0244)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2459. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations: SLR; Skull Creek, Hilton Head, SC'' ((RIN2115–AE46)(2001–0013)) received on June 14, 2001 ; to the Committee on Commerce, Science, and Transportation.

EC–2460. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Fireworks Display, Kill Van Kull, Staten Island, NY'' ((RIN2115–AA97)(2001–0024)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2461. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Chicago Harbor, Chicago, Illinois'' ((RIN2115–AA97)(2001–0020)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2462. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulation: USS *Doyle* Port Visit—Boston, Massachusetts'' ((RIN2115–AA97)(2001–0023)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2463. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting,

pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Ottawa River, Toledo, Ohio'' ((RIN2115–AA97)(2001–0026)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2464. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Grosse Point Farms, Lake St. Clair, MI'' ((RIN2115–AA97)(2001–0025)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2465. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY'' ((RIN2115–AE47)(2001–0047)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2466. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Annisquam River, Blynman Canal, MA'' ((RIN2115–AE47)(2001–0046)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2467. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Captain of the Port Detroit Zone'' ((RIN2115–AA97)(2001–0027)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2468. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations: SLR; Sarasota Bay, Sarasota, Florida'' ((RIN2115–AE46)(2001–0011)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2469. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Captain of the Port Detroit Zone'' ((RIN2115–AA97)(2001–0017)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2470. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; USS *Samuel Eliot Morison* Port Visit, Newport, RI'' ((RIN2115–AA97)(2001–0019)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2471. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Zone Regulations: USS *Hawes* Port Visit, Newport, RI'' ((RIN2115–AA97)(2001–0021)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2472. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations: SLR; Harbor Town Fireworks Display, Calibogue Sound, Hilton Head, SC'' ((RIN2115–AE46)(2001–0014)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2473. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR: Gulf of Mexico, Sarasota, Florida'' ((RIN2115–AE46)(2001–0012)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2474. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: U.S. Aerospace Challenge, Holland, MI'' ((RIN2115–AA97)(2001–0022)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2475. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Riversplash 2001, Milwaukee River, Wisconsin'' ((RIN2115–AA97)(2001–0028)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2476. A communication from the Acting Assistant Administrative for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Boundary Changes in the Flower Garden Banks National Marine Sanctuary; Addition of Stetson Bank and Technical Corrections; Final Rule'' (RIN0648–XA50) received on June 14, 2001; to the Committee on Commerce , Science, and Transportation.

EC–2477. A communication from the Acting Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Thunder Bay National Marine Sanctuary and Underwater Preserve Regulations; Final Rule'' (RIN0648–AE41) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 104

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 280

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 280, a bill to amend the Agriculture Marketing Act of 1946 to require retailers of beef, lamb, pork, and perishable agricultural commodities to inform consumers, at the final point of sale to consumers, of the country of origin of the commodities.

S. 281

At the request of Mr. HAGEL, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 283

At the request of Mr. MCCAIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue code of 1986 to protect consumers in managed care plans and other health coverage.

S. 392

At the request of Mr. SARBANES, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 638

At the request of Mr. DOMENICI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 662

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to other wise commemorate, certain individuals.

S. 677

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 677, a bill to amend the Internal

Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 910

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 910, a bill to provide certain safeguards with respect to the domestic steel industry.

S. 920

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 946

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 952

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 986

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 986, a bill to allow media coverage of court proceedings.

S. 989

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 989, a bill to prohibit racial profiling.

S. 992

At the request of Mr. NICKLES, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1017

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1017, a bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

S. 1039

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 1039, a bill for the relief of the State of Hawaii.

S. 1042

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 1042, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 4

At the request of Mr. NICKLES, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress regarding housing affordability and ensuring a competitive North American market for softwood lumber.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold hearings entitled ''Diabetes: Is Sufficient Funding Being Allocated To Fight This Disease?'' The upcoming hearings will examine whether sufficient Federal funding is being allocated to fight diabetes. The subcommittee intends to hear from children suffering from the disease, celebrities affected by diabetes, scientists, and business leaders who will explain the toll that this disease has on individuals who suffer from it, its impact on society, and current research opportunities to find a cure. The hearing will be held in conjunction with the second Juvenile Diabetes Foundation Children's Congress.

The hearing will take place on Tuesday, June 26, 2001, at 10 a.m., in room 216 of the Hart Senate Office Building. For further information, please contact Claire Barnard of the subcommittee's minority staff at 224–3721.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Kathleen Dietrich, a fellow assigned in my office, be granted the privilege of the floor for the debate on the bipartisan Patients' Bill of Rights.

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

Mr. SPECTER. I ask unanimous consent that my deputy, Tom Swanton, on leave from the Department of Justice, be granted floor privileges for the course of this debate in consideration of the Patients' Bill of Rights.

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

UNANIMOUS CONSENT REQUEST—S. 1052

Mr. REID. Mr. President, I ask unanimous consent that at 11:30 a.m. tomorrow, Tuesday, June 19, the Senate proceed to the consideration of S. 1052, the Patients' Bill of Rights.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, on my reservation, I note a couple of facts have to be considered at this time. That is, the manager of the legislation is not able to be here today. I have not been able to talk with him. I tried to reach him, as a matter of fact, this morning by phone—that is Senator JUDD GREGG of New Hampshire—and other Senators who are directly involved in this legislation. I have not been able to get clearance to proceed at 11:30 a.m. tomorrow.

Also, I understand the underlying legislation that will be the vehicle we consider was changed perhaps as late as Friday afternoon. We are trying to get a look at it and see exactly what

changes have been made because that will determine what first amendments might be offered or what the tone of the debate will be as we open this legislation. I am sure we are going to be able to go to the Patients' Bill of Rights in a reasonable period of time, but at this time I have been asked to object. So I object.

The PRESIDING OFFICER (Mr. WARNER). Objection is heard.

Mr. REID. Mr. President, I say before my friend leaves that we have copies of the legislation, and we will be happy to let anyone who wants look at it. I hope, as the minority leader indicated, that we can move to this bill tomorrow. If not, of course, there are other procedural things we can do to get to it eventually.

I have spent time with Senator GREGG in recent weeks, and he is a pleasant man to be with. I know Senator FRIST is well advised about this legislation. This has been going on for years, and we hope we can finally dispose of it one way or the other in the near future. I not only appreciate what the Senator has said but the tone in which he said it. We look forward to seeing if we can work it out tomorrow.

ORDERS FOR TUESDAY, JUNE 19, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Tuesday, June 19. I further ask consent that on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period for morning business at 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator KYL from 10 a.m. to 10:30 a.m.; Senator BROWNBACK from 10:30 a.m. to 10:40 a.m.; Senator DURBIN, or his designee, from 10:45 a.m. until 11:30 a.m., with Senator HOLLINGS in control of 10 minutes of Senator DURBIN's time.

Further, I ask unanimous consent that tomorrow, after the morning business hour has expired, the Senate be in recess from 12:30 p.m. until 2:15 p.m. for the weekly party conferences.

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

PROGRAM

Mr. REID. Mr. President, on Tuesday the Senate—as I have talked with the minority leader today—will convene at 10 a.m. with a period for morning business until 11:30 a.m. If agreement is reached, the Senate will begin consideration of the Patients' Bill of Rights on Tuesday at 11:30 a.m. The Senate, as I said, will recess from 12:30 p.m. to 2:15 p.m.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent that following the remarks of Senators SPECTER, KENNEDY, and HELMS, the Senate stand in adjournment under the previous order.

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

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HEALTH CARE

Mr. KENNEDY. Mr. President, tomorrow I am very hopeful we will at long last have the opportunity to consider, again, legislation to protect American patients from HMO abuses. Across the country, we have seen abuses as a result of HMOs interfering with the decisions being made daily by doctors, nurses, and family physicians. Health care professionals are seeing their decisions overruled by HMO accountants who, in many instances, are many miles away. These accountants do not have the professional training that the doctors and the nurses initially making that judgment and decision have received. They are not seeing the patient and are more interested in the bottom line for the HMO rather than the good outcome for the patient.

This legislation has been out there for nearly 5 years. During that period of time, we have had some debate. We have had some votes in the Senate, but it seems to me we now have a chance to finally give Americans the protections they want and deserve.

I will take a few moments this afternoon to review, once again, what this legislation is about. This legislation recognizes that managed care too often means ''mismanaged'' care. We have the opportunity to change that. We should change it and establish a minimum standard of quality care. If individual States want to build on those standards, that should be the decision for the States, but we ought to establish a minimum standard. That is what this legislation, before the Senate tomorrow, will do.

This legislation basically incorporates the protections which are already in effect in the Medicare and Medicaid protections. Many of the protections included in this bill have been recommended by insurance commissioners who are not Democrats or Republicans. Actually, if you looked, there are probably more Republicans than Democrats among this group. A few protections included in the bill are the result of the unanimous bipartisan commission, set up 3 years ago, that made a series of recommendations. The protections included here reflect a unanimous vote by the commission.

I will review them quickly. It is important we understand the introduced proposal now known as the McCain-Edwards legislation. I am a strong supporter. Senator DASCHLE is a strong supporter, as well as others. Over the weekend, more than 44 State medical societies wrote their Senators indicating their strong support for this legislation. As of this afternoon, more than 600 health organizations from across the country support the McCain-Edwards legislation.

I would be surprised if the other side can find about 15 supportive organizations. Virtually the entire medical community—not only the professional doctors, nurses, consumers, but the advocates—understand the importance of this legislation and support it, along with the senior organizations. The disability community understands this legislation. This bill provides care for children and others that have special needs as a result of their condition. Virtually every health organization supports it. This bill has bipartisan support.

Sixty-three Republicans effectively supported this legislation in the House of Representatives, and it has bipartisan support in the Senate. I daresay if one asks Republicans or Independents across the country—whether in the upper parts of the State of Maine, southern Florida, California, or the State of Washington—this bill has common interest and common concern across the Nation. So many of the issues we deal with in the Senate have support only in one region of the country among one particular group, and they usually face strong opposition in other parts of the country.

The principal opposition—the singular opposition—is the insurance companies and the HMOs. If one looks at the breadth of support on our side, it is not just the bipartisan membership bringing this and supporting this, Republicans and Democrats alike. Dr. NORWOOD in the House of Representatives, Congressman GANSKE, and others in the House of Representatives—along with Congressman DINGELL support the bill. In the Senate, we have Senator MCCAIN and others, including Senator SPECTER, who is on the floor at this time, and other Members who support this concept.

It is understandable because this bill has compelling reason for protections. They are commonsense protections. First, we want to protect all patients. That is very fundamental and important. We don't want legislation that alleges coverage for all, but creates sufficient loopholes so large numbers of our American families will not be covered. President Bush has recognized this principle. He wants to make sure all families and all patients will be covered.

We talk about access to specialists. It includes out-of-network service. I can remember in my own family situation, my son Teddy was 12 years old,

and he had a particular type of cancer—Osteosarcoma. About 1,500 children have this kind of cancer every year. It took a child pediatric oncologist who could understand his real needs and was able to make the recommendations for treatment of that particular need. We want to make sure if other families have either children or loved ones who need the kind of specialty care that is outside of the network, then they will be able to access the best of the speciality's trained medical professional. We want to make sure it is guaranteed. In too many instances today, it is not guaranteed.

We want to make assure care coordination and standing referrals. This is especially important for individuals who have a disability, so they don't have to go back every single time to their primary care physician for a referral. We need care coordination and protections particularly because some patients have complicated, involved health care needs or disabilities. This is enormously important. It is a feature the disability community cares so much about. It makes sense and provides savings for resources.

Next, this bill protects coverage for clinical trials. A lot of Members say they support clinical trials. We voted on this issue in the Senate not along ago. We did not guarantee access to clinical trials. There is a decline in the number of clinical trials at the present time—at a time when we are supporting dramatic increases in the NIH budget, and at the time of the century that we will see the greatest progress in the life sciences that we have ever seen.

As the previous century was the age of engineering, chemistry, and physics, this is the century of the life sciences. When we pick up a newspaper each day, we find that new breakthroughs are taking place. The only way we can get the breakthroughs from the laboratory to the bedside is through clinical trials. We have to make sure we encourage clinical trials. We are seeing a decline in the number of clinical trials because the industry will not continue to support these programs.

We will have a chance to get into this in greater detail. Obviously, when we debate clinical trials, the additional kinds of health care costs that are entailed should be covered by the clinical trials. But there should be basic coverage for that individual who has a health care need that should be continued by the insurance company.

It is always amazing to me why insurance companies or HMOs will not support it. If the person gets better as a result of the clinical trials, it is going to save the health plan resources, and it is not going to put them at greater risk.

Next, coverage for emergency care. In too many instances, if patients go to another emergency room or another emergency care facility or hospital, the HMO will not cover it. That makes absolutely no sense.

Direct access to OB/GYN providers and pediatricians is enormously important. It is an issue that is of primary concern to women, so they can have the OB/GYN as their primary care doctors. Certainly for primary care physicians, the need for pediatricians for children ought to be very clear and supported.

The PRESIDING OFFICER. The Chair wishes to advise the distinguished Senator from Massachusetts that the standing order of the day is limiting Senators to 10 minutes during this period of morning business.

Mr. KENNEDY. Mr. President, I see my friend from Pennsylvania. Could I go for 10 more minutes? I ask unanimous consent for 10 more minutes.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. KENNEDY. We want to make sure the patients receive the prescription drugs that their doctors prescribe. This is not always the case. It is difficult to believe, but it is not the case in too many HMOs.

The list goes on. This bill prohibits clauses which frequently gag medical professionals and doctors from recommending what is best for patients. This bill also prohibits financial incentives to deny care.

It is difficult for most of us to believe what exists in many HMO contracts at this time. Many have major financial incentives for doctors—if they do not prescribe certain care, doctors can enhance their financial situation. Any legislation ought to have that particular protection, as well as protections for the providers who advocate for patients.

We want to make sure we have a good internal appeals process conducted in a timely way. So if there is a question of getting the treatment, it is done in a timely way. We also need a timely independent external appeals process.

There are those who think if the HMO makes a recommendation on appeal, then that is good enough. Recommendations should be independent. In States with the external appeals process, it is done independently. We should do no less. We will have a chance to debate that. Surprisingly, it is debatable, but the protection makes a good deal of sense.

Health plans should be held accountable in Federal court when contract disputes result in injury or death. Plans should be held accountable in State courts when a disputed medical judgment results in injury or death. The judicial conference has made these recommendations, and it is, by and large, the situation we have in the State of Texas at the present time. Since 1997, we have seen only a handful of suits take place.

If the Chair will let me know when I have 1 minute left, please?

Let's take a look here, once again, why it is so important to pass this bill. I will do this very quickly. Every day we fail to act, this is what it means in terms of American patients being hurt. The number of patients affected every day from health care abuse—from delay in needed care—is 35,000; from delay in specialty care, the number of patients affected every day is 35,000; and from HMOs forcing patients to change doctors, 31,000 patients are affected each day. As a result of that, 59,000 patients every day have added pain and suffering, and 41,000 patients every day experience worsened conditions. That is happening every single day. That is why we believe it is so important to provide protections.

Doctors know that congressional delay means patient suffering. That was the result from a study by the Kaiser Family Foundation. It illustrates that 14,000 doctors each day see patients suffering from serious decline in their health because of abuses by health plans. It happens from health plans denying coverage of physician recommended prescription drugs.

Each day, 14,000 doctors prescribe prescription drugs, and patients do not receive these necessary drugs.

There are 10,000 doctors every day recommending various diagnostic tests so they can analyze the health care needs of their patients, but patients are denied coverage for these tests. And there are 7,000 doctors who are recommending specialty care for their patients. They have made the decision and have found it necessary, but the specialty care is being denied. There are 6,000 doctors who say patients ought to stay overnight in the hospital, but it is being denied. And there are 6,000 doctors who see their referral for mental health or substance abuse treatment denied—every single day, that is happening.

This is why we need to address this situation across this country—north, south, east, and west. We ought to establish a basic floor of protections. We ought to have accountability, because when we have accountability, HMOs do the correct thing.

If we look at what has happened, we just finished 8 weeks on the floor of the Senate where rarely a speech was made about education when we did not hear about accountability. Remember that? We are going to have accountability for children, third grade through eighth, for taking tests. We are going to have accountability for schools. If they don't shape up, they will be restructured and reorganized. Accountability on the parents, accountability on the States—accountability, accountability, accountability.

This is all we are saying—when we have accountability, which means when a decision is made by an HMO that overrides a doctor's decision, and that decision results in harm, death, or injury to a patient, the HMO should be held responsible for its decision.

When we include this protection in HMOs, we find the number of harmful decisions falls. If you look at the State of Texas where they have had this protection in effect for 3½ years, they

have had about a dozen cases. If you look at the State of California—which has a very tough protection not dissimilar from what we are talking about, but also has accountability—they have no cases to date. None, zero. This has been a surprise to the industry and to other health observers in California. There have been 200 appeals out there. Mr. President, 65 percent of those appeals have been decided in favor of the HMO, but they still have not had those cases brought to court. But what you do have is guarantees to patients, such as the ones we have outlined here in this particular list. That has been true.

Finally, we have about 50 million Americans through their own contract—State and county workers—who have the opportunity to sue the HMOs under that particular contract.

We don't find the kind of abuses the naysayers will talk about in terms of this legislation, and we find their premiums are very much along the lines of the others.

We are looking forward to this debate tomorrow. I welcome the opportunity to finally bring this bill up. I am grateful to the leadership of Senator DASCHLE who has urged us to move on this in a timely way. In the past, we haven't been able to bring this up in the way we will tomorrow—as a free and open debate. We have had to bring it up in other circumstances, at other times, using the rules of the Senate to insist that the Senate address it. Now we will have the chance for a free and open debate. We want progress on this legislation. It is necessary.

In the last week, we were able to work out—with the administration and others—a very solid result for education reform. I am still not satisfied it will benefit all the children it should because although the authorization will ensure that all children will benefit, we are going to have to make an issue on those questions. I wish we had that same opportunity on health care as well because this protection is of such enormous importance to families across the Nation.

I look forward to the debate. I hope we can get to this bill in a timely way. We had a full opportunity to examine and look at the various provisions. We already debated and acted on most of these provisions 2½ years ago. This is a substantive matter with which Members should be familiar. The need is paramount.

I look forward to working with our colleagues on all sides of the aisle. I look forward to, hopefully, working with the administration so we can enact legislation that will make sure that when doctors make a decision with a family, it will be a decision that will stand. Doctors need that kind of protection. Health professionals need that protection. Importantly, patients need that protection.

That is what this legislation is really all about. We look forward to working with our colleagues to make sure we get the job done.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks at my seat.

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

Mr. HELMS. I thank the Chair.

SETTING THE RECORD STRAIGHT ABOUT J.A. JONES CO.

Mr. HELMS. Mr. President, the distinguished Senator from Virginia (Mr. ALLEN) last week emphatically called the hands of various media for having inaccurately reported the Senator's position on the World War II Memorial and the American firm (and its German parent company) selected to build the memorial.

I feel obliged to comment as well, not only to commend the able Senator from Virginia for speaking out, but to emphasize that the lead contractor for the World War II Memorial is a distinguished North Carolina company.

J.A. Jones Construction Company is a 112-year-old Charlotte enterprise which deserves better than to have bitter fringe groups try to impugn the integrity and historic citizenship of such a well-established firm.

Business is business, and it's understandable that losing bidders on any project will be disappointed. But for such a prestigious U.S. company as J.A. Jones to be unjustifiably criticized certainly is an inappropriate exercise on the part of the losing bidders.

For the purpose of rejecting the activities by fringe groups, I feel it appropriate that the CONGRESSIONAL RECORD reflect the specific role that J.A. Jones Construction Company has played in supporting the United States and its national defense during the 112 years that J.A. Jones Company has been in business.

While this is not a complete list, it is sufficiently detailed for me to make clear the kind of corporate citizen J.A. Jones Construction Company has been:

The construction of nine American military bases that trained U.S. troops for World War II;

The construction and operation of the Navy Shipyard in Panama City, FL, and the operation of the Navy Shipyard at Brunswick, GA. Between the two facilities, J.A. Jones employees built more than 200 *Liberty* Class warships during World War II;

Selection as one of the first American companies to work in a war zone, constructing air bases and other facilities in and around Saigon during the Vietnam war;

Construction of the Washington Mall Reflecting Pool, the West Wing of the White House, the East Wing of the National Gallery of Art, the East and West Fronts of the Capitol, the Smithsonian Air and Space Museum, the Natural Museum of History addition and renovation, and the National Gallery of Art Sculpture;

The continued involvement in building and maintaining military bases and facilities across the country; and

The current reconstruction of the two U.S. Embassies in Africa destroyed by terrorist bombings.

Considering the circumstances, I feel it only fair that a statement issued by the president of J.A. Jones Construction Company be made a part of the RECORD at this point. President John D. Bond III identified significant aspects of his company's service to America.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

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

STATEMENT OF JOHN D. BOND III

J.A. Jones' 112-year history is an important and classic case study in corporate patriotism and dedication to a free world. In the military buildup in the 1930s before the U.S.'s involvement in World War II, J.A. Jones built nine military bases, from the ground up, in Alabama, Georgia, Mississippi, North Carolina and South Carolina. These bases provided everything our troops needed to prepare for their crucial role in saving the world.

During the war, J.A. Jones built and then operated the Navy Shipyard in Panama City, Fla., and took over operations of the Navy Shipyard at Brunswick, Ga. At these two crucial locations, J.A. Jones employees built more than 200 Liberty Class warships at an incredible rate of 12 per month. In 1943 and 1944, workers donated their time on Christmas Day to continue working and get the ships to the Allied and U.S. Armed Forces who so desperately needed them to win the war.

Scores of J.A. Jones employees served in the war, including Edwin Jones, Jr., who would later become chairman of the company after serving with the Marines and taking part in the deadly fighting at Iwo Jima.

J.A. Jones' commitment to our nation and its men and women in uniform has continued over the years. In Vietnam, J.A. Jones was one of the first American companies to actually work in a war zone when it built air bases and other facilities in and around Saigon. J.A. Jones' close ties with the U.S. military remain just as strong today as our employees continue to build and manage bases and facilities around the world.

In discussing the relationship between Philipp Holzmann and J.A. Jones, it also is important to look at history. The two companies first worked together in the mid-1970s on U.S. Army Corps of Engineers projects in Saudi Arabia. J.A. Jones was looking to expand its global presence, and Philipp Holzmann saw potential in the U.S. Philipp Holzmann bought J.A. Jones in 1979. Edwin Jones Jr., the World War II veteran who fought at Iwo Jima, was chairman of J.A. Jones at the time of the sale.

We are in fact a global economy. The very fact that Germany has become a free capitalistic country and trusted American ally is testament to the United States' and post-World War II Allied commitments to rebuilding the free world. Unfortunately, in the discussions of where the World War II Memorial will be built and who will build it, we have lost sight of the true purpose of this project: to honor the veterans who saved the world. I believe the history of J.A. Jones Construction and its people makes it the ideal choice for the historic project.

I am extremely proud that J.A. Jones will play an important role in the building of the World War II Memorial. When we break ground this summer, I will be there with my father, who was paratrooper in World War II, and my son, whose generation must recognize and understand the sacrifices that America's Greatest Generation made for freedom. I could not look either of them in the eye if I had any question about J.A. Jones' commitment to American and a free world.

Today, I can say unequivocally that no company is more committed than J.A. Jones to the principles that have made America the leader of the free world.

Mr. HELMS. I yield the floor.

The PRESIDING OFFICER (Mr. HATCH). The Senator from Virginia.

Mr. WARNER. Mr. President, it is just by accident that I happened to be on the floor to listen to my distinguished friend and colleague recount the history of this really remarkable construction firm. But I must say I have some concerns about the problem. I have not reached any determination. I don't know if there is anything that this one Senator or other Senators can do to try to clarify what I perceive as a legitimate concern not only held by this Senator but many across the United States for these reasons.

My dear friend and colleague from North Carolina has recounted the history of J.A. Jones. I don't question for a minute the distinguished patriotic service this firm has rendered to the United States, as the Senator has recounted very clearly, from World War II to date.

It also brought up the Charles Tompkins firm here in Washington, DC. I had some knowledge of that firm, and that firm also had an impeccable record, so far as I know, of patriotic service and built many structures here in Washington.

Indeed, if I may indulge, at one time I was a young sort of engineer of types. After my last year of college before going to law school, I worked in the construction business here in the Nation's Capital as the supervisor of heavy concrete and steel construction. And all of us knew about the Charles H. Tompkins Building Firm.

But I think it is important for the RECORD to show that these two firms were then bought out—Tompkins was first bought by the Jones Company, if I understand it, and then the Jones Company, the controlling interest, was bought out by a German firm. Am I correct on that, I ask my distinguished colleague?

Mr. HELMS. That is correct. But the presidency resides in the United States.

Mr. WARNER. Yes. But what year, to refresh my recollection? I have read it, but I simply don't have my papers here. But how many years ago was it when the German firm bought this——

Mr. HELMS. I don't recall.

Mr. WARNER. I will place that in today's RECORD. But I think it is important. I feel a duty to put in the RECORD also that this parent firm in Germany has just recently concluded a resolution of what appears to be a longstanding dispute about its record during World War II as it related to certain persons in the European area and the use of them as forced labor during the war, which, unfortunately, was prevalent with a lot of German firms that have survived to this day.

Then just several hours ago I got a report that some evidence is coming to the forefront—I will have to try to put this in the RECORD; I am sorry I don't have my papers, but I think it is important—that the firm just paid a penalty to the U.S. Government for some settlement, again, of a claim between the U.S. Government and this firm.

But I say to my distinguished friend—and I have no better friend in the Senate. Both of us served in World War II in the U.S. Navy. My service was very modest, but I do remember that period of time very well as a young 17-year-old sailor. I think it is important that at least the RECORD state the facts. Then the people of the United States, particularly those who served in World War II, and their families—because this memorial is as much a tribute to the families as it is to those who served, particularly the families who lost their loved ones in that conflict.

As the Senator knows, there were over several hundred thousand who lost their lives. There were many, many more hundred thousands who suffered wounds. Then, of course, the Senator remembers the tremendous unity here at home during that entire period between all citizens who served their Nation in many ways.

But I just point this out. I think this RECORD should be complete. I feel an obligation to do it. I do it out of respect for my colleague. But I will put into the RECORD today additional facts relating to your statement, Senator, because I think the RECORD should be complete, and then the citizens simply have to make up their own mind on this. I do not know that there is any action that can be taken or should be taken, but the RECORD, in my judgment, should be complete.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. WARNER. Yes, of course.

Mr. HELMS. I think the RECORD should be clear as to the German firm. I don't know anything about that. But the allegations were made about J.A. Jones Construction Company, and it is that North Carolina firm that I came to defend this afternoon.

I welcome anything that the distinguished Senator from Virginia, who has been my friend for a long time, can add about the German firm. But I want the RECORD to be clear about J.A. Jones Construction Company. That is the reason I came to the Senate Chamber this afternoon.

Mr. WARNER. Mr. President, I think it is important that you undertook this because you do so not only out of loyalty to your State and to your constituents, but, indeed, by your distinguished record in World War II, having served in the Navy, and by your strong support throughout your entire Senate career for all those who participated in military conflict, and their families, and particularly for your support for this memorial.

I thank the Senator for the opportunity to engage in a colloquy with him.

Mr. President, I ask unanimous consent that I may have printed in the RECORD certain additional material that could be pertinent.

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

(See Exhibit 1.)

Mr. WARNER. I say to my good friend, so we will all know, our beloved colleague, and former majority leader, Robert Dole, who has an extraordinary record of heroism in World War II, was, indeed, instrumental in the building of this memorial; that is, raising the funds and putting the infrastructure in place financially for this memorial to go through. There are some hundred thousand dollars that have been raised—almost all of it in the private sector. I was pleased, as a member of the Armed Services Committee, to bring to the Senate an amendment of some $6 million of taxpayers funds which was incorporated into last year's authorization bill and appropriated to add to the many hundreds of thousands of gifts contributed towards the building of this memorial so as to raise the final total to the $100 million to allow construction to go forward.

So I say to my good friend from North Carolina, again, I feel an obligation, having instituted that funding requirement, and asking colleagues to support—indeed, the Congress as a whole—I feel I have an obligation to put in the RECORD such facts as I know about this case. And I will include a communication I have just received from Senator Dole which in many ways recites the history of the distinguished firm to which you refer.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mr. HELMS. I say to the Senator, I commend you for the position you have taken. And I join you in making clear all of the relevant facts about this matter, specifically those involving the German firm.

Mr. WARNER. Yes.

Mr. HELMS. But I want to separate the J.A. Jones Construction Company from that. Incidentally, I talked to Senator Dole right here on the floor of the Senate last week about it. And it was he who called me to look into the matter and to come here today.

Mr. WARNER. Fine.

Mr. President, I thank our distinguished colleague, and I appreciate the forbearance of our distinguished colleague from Pennsylvania, who has been patiently waiting.

EXHIBIT NO. 1

Washington, DC, June 13, 2001.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR JOHN: Enclosed are press statements relating to the companies who were awarded the contract to construct the National World War II Memorial. The General Services Administration acting as the agent for the American Battle Monuments Commission awarded the contract and the selection was under the GSA Construction Excellence program.

Best wishes.

BOB DOLE.

Enclosure.

[Press Release From the U.S. Agency for International Development, Aug. 18, 2000]

WASHINGTON, D.C.—Philipp Holzmann AG, a German construction company, has pled guilty to participating in a criminal conspiracy to rig bids on a USAID-funded construction contract in the Arab Republic of Egypt, Everett L. Mosley, Acting Inspector General, U.S. Agency for International Development, announced today.

As part of its plea agreement with the Department of Justice, Antitrust Division, Holzmann agreed to pay a criminal fine in the amount of $30 million.

The one-count felony judgment was entered in the U.S. District Court in Birmingham, Alabama. It charged Holzmann and other unnamed co-conspirators with participating in a conspiracy to suppress and eliminate competition on the U.S. Agency for International Development (USAID) contract in violation of the Sherman Antitrust Act.

Today's action is the first charge to arise out of an on-going grand jury investigation in the Northern District of Alabama conducted by the Justice Department's Antitrust Division, Atlanta Field Office, working in concert with the USAID Office of the Inspector General.

''This plea agreement is the first step in the unraveling of a wide-ranging conspiracy involving several multi-national corporations, which had targeted the USAID program for exploitation,'' Mosley said. ''This investigation is part of our continuing law enforcement effort to combat fraud in the foreign assistance programs. Program integrity is essential to maintain public support for the foreign assistance program of the United States.''

Holzmann participated in rigging the bids so that its American subsidiary, J.A. Jones Construction Co., which had submitted a bid as part of a joint venture, would be awarded the lucrative USAID contract for construction of a waste-water treatment project at a highly inflated price.

The investigation is continuing until each co-conspirator is identified and prosecuted.

This investigation was conducted by USAID's Office of Inspector General.

The case was prosecuted by the Justice Department's Antitrust Division, Atlanta Field Office.

[Media Advisory From the U.S. General Services Administration, June 13, 2001]

GSA STATEMENT ON SELECTION OF CONTRACTOR FOR WWII MEMORIAL

The General Services Administration (GSA), acting as agent on behalf of the American Battle Monuments Commission (ABMC), awarded a contract to Tompkins Builders and Grunley-Walsh Construction to construct the National World War II Memorial on the Mall in Washington, D.C. The joint venture of these American firms submitted the highest quality proposal and the lowest price, thus providing the best overall value to the Government.

GSA management is sensitive to the issues raised in news stories. The agency reiterates that Tompkins and Grunley-Walsh are responsible firms.

Tompkins Builders, a U.S. company established in the District of Columbia in 1911, and the third largest general contractor in the Washington D.C. Metropolitan area, has a reputation for quality construction. It is owned by J.A. Jones Construction Company, founded in 1890 in Charlotte, N.C., a subsidiary of J.A. Jones, Inc. Since 1979, the Philipp Holzmann Company, a German construction firm, has owned J.A. Jones, Inc.

Both Tompkins Builders and Grunley-Walsh have extensive working relationships with GSA and other Federal agencies. They have participated in many construction and renovation projects in the Washington, DC area, including the: Washington Monument; Jefferson Memorial; Franklin D. Roosevelt Memorial; U.S. Capitol; National Air and Space Museum; Food and Drug Administration's Center for Food Safety and Applied Nutrition in College Park, MD, and Alexandria Federal Courthouse in Alexandria, VA.

J.A. JONES REAFFIRMS LONG HISTORY OF SUPPORTING U.S. MILITARY

CHARLOTTE, NC, June 12, 2001.—J.A. Jones Construction Co., whose subsidiary Tompkins Builders was chosen last week as lead contractor for the prestigious World War II Memorial in Washington, today reiterated its crucial role in supporting the U.S. military and government during the company's 112-year history.

Key contributions include:

The construction of nine American military bases that trained U.S. troops for World War II.

The construction and operation of the Navy Shipyard in Panama City, Fla., and the operation of the Navy Shipyard at Brunswick, Ga. Between the two facilities, J.A. Jones employees built more than 200 Liberty Class warships during World War II.

Selection as one of the first American companies to work in a war zone, constructing air bases and other facilities in and around Saigon during the Vietnam War.

Construction of the Washington Mall Reflecting Pool, the West Wing of the White House, the East Wing of the National Gallery of Art, the East and West Fronts of the Capitol, the Smithsonian Air and Space Museum, the Natural Museum of History addition and renovation, and the National Gallery of Art Sculpture.

The continued involvement in building and maintaining military bases and facilities across the country.

The current reconstruction of the two U.S. Embassies in Africa destroyed by terrorist bombings.

The following is a statement from John D. Bond III, president of J.A. Jones Construction:

Let me make this as clear as I can make it: Anyone who questions the patriotism of J.A. Jones Construction Co., its employees, and our historical commitment to a free world, is misguided and misinformed.

J.A. Jones' 112-year history is an important and classic case study in corporate patriotism and dedication to a free world. In the military buildup in the 1930s before the U.S.'s involvement in World War II, J.A. Jones built nine military bases, from the ground up, in Alabama, Georgia, Mississippi, North Carolina and South Carolina. These bases provided everything our troops needed to prepare for their crucial role in saving the world.

During the war, J.A. Jones built and then operated the Navy Shipyard in Panama City, Fla., and took over operations of the Navy Shipyard at Brunswick, Ga. At these two crucial locations, J.A. Jones employees build more than 200 Liberty Class warships at an incredible rate of 12 per month. In 1943 and 1944, workers donated their time on Christmas Day to continue working and get the ships to the Allied and U.S. Armed Forces who so desperately needed them to win the war.

Scores of J.A. Jones employees served in the war, including Edwin Jones Jr., who would later become chairman of the company after serving with the Marines and taking part in the deadly fighting at Iwo Jima.

J.A. Jones' commitment to our nation and its men and women in uniform has continued over the years. In Vietnam, J.A. Jones was one of the first American companies to actually work in a war zone when it built air bases and other facilities in and around Saigon. J.A. Jones' close ties with the U.S. military remain just as strong today as our employees continue to build and manage bases and facilities around the world.

In discussing the relationship between Philipp Holzmann and J.A. Jones, it also is important to look at history. The two companies first worked together in the mid-1970s on U.S. Army Corps of Engineers projects in Saudi Arabia. J.A. Jones was looking to expand its global presence, and Philipp Holzmann saw potential in the U.S. Philipp Holzmann bought J.A. Jones in 1979. Edwin Jones Jr., the World War II veteran who fought at Iwo Jima, was chairman of J.A. Jones at the time of the sale.

We are in fact a global economy. The very fact that Germany has become a free capitalistic country and trusted American ally is testament to the United States' and post-World War II Allied commitment to rebuilding the free world. Unfortunately, in the discussions of where the World War II Memorial will be built and who will build it, we have lost sight of the true purpose of this project: to honor the veterans who saved the world. I believe the history of J.A. Jones Construction and its people makes it the ideal choice for the historic project.

I am extremely proud that J.A. Jones will play an important role in the building of the World War II Memorial. When we break ground this summer, I will be there with my father, who was paratrooper in World War II, and my son, whose generation must recognize and understand the sacrifices that America's Greatest Generation made for freedom. I could not look either of them in the eye if I had any question about J.A. Jones' commitment to America and a free world.

Today, I can say unequivocally that no company is more committed than J.A. Jones to the principles that have made America the leader of the free world.

STATEMENT OF THE AMERICAN BATTLE MONUMENTS COMMISSION REGARDING THE CONSTRUCTION CONTRACT FOR THE NATIONAL WWII MEMORIAL, JUNE 11, 2001

The joint venture of Tompkins Builders and Grunley-Walsh Construction was awarded a $56 million contract last week to build the National World War II Memorial on the Mall in Washington, D.C.

The award was made by the General Services Administration (GSA), acting as agent for the American Battle Monuments Commission (ABMC). The agency conducted the general contractor procurement and selection under the GSA Construction Excellence program.

The selection was based on price, experience on comparable projects, and past performance. The evaluation of all these factors allowed the government to select the offer

representing the overall ''best value'' in terms of risk. While price was not the sole factor considered, the joint venture of Tompkins/Grunley-Walsh did submit the lowest price.

Tompkins Builders, an American company established in the District of Columbia in 1911, is the third largest general contractor in the Washington Metropolitan area. The company has earned a reputation for quality construction.

Tompkins is owned by J.A. Jones Construction Company, a subsidiary of J.A. Jones, Inc., which is an American company founded in 1890 in Charlotte, North Carolina.

J.A. Jones, Inc., in turn, is owned by the Philipp Holzmann Company, a large German construction firm. In today's global economy, international ownership relationships are common. Three of the five largest construction companies in America are foreign-owned.

Neither ABMC nor GSA has the authority to discriminate against American firms based upon the nationality of parent or grandparent corporations. Moreover, such discrimination would be inconsistent with the principles for which the WWII generation sacrificed.

[From the New York Times, Apr. 13, 2001]

GLOBAL CONSPIRACY ON CONSTRUCTION BIDS DEFRAUDED U.S.

(By Kurt Eichenwald)

A group of international construction companies defrauded the American government out of tens of millions of dollars earmarked for Egyptian water projects undertaken as part of the Camp David peace accords, according to government officials and court documents.

One participant in the wide-ranging conspiracy, a unit of ABB Ltd., the Swiss engineering giant, pleaded guilty yesterday to its role in the scheme, agreeing to pay $63 million in fines and restitution.

The conspiracy, which lasted more than seven years, involved the rigging of contract bids submitted in the late 1980's and early 1990's to the United States Agency for International Development, which was financing Egyptian water projects that resulted from the Middle East peace accords reached during the Carter administration.

Contracts were supposed to be awarded through competitive bidding. But the construction companies subverted the process through payments of bribes and kickbacks to other possible bidders, fraudulent billing to the government and the laundering of cash through Swiss bank accounts, court records in related cases show.

The conspirators included at least six international construction companies, which collectively referred to themselves as the Frankfurt Group, according to people briefed on the case. At the time of the bidding, the companies were either American or American subsidiaries of European concerns. The name of the group came from the fact that some of the largest companies were based in Frankfurt.

The investigation of the conspiracy began almost six years ago, after a top financial officer at one company noticed a series of improper wire transfers and other transactions. That executive then brought those matters to the attention of the Justice Department, which has been investigating ever since.

According to court records, companies involved in the conspiracy were able to obtain profits of as much as 60 percent on the Egyptian water projects—a return that would be almost certainly impossible to obtain under competitive bidding. Indeed, some of the companies went to great lengths to hide their profits, charging fictitious expenses from related companies to decrease the returns shown on their books.

All told, about a dozen contracts have been awarded under the program, totaling more than $1 billion. To date, three contracts have been found to involve fraud, and the others remain under investigation.

The investigation has already resulted in two other guilty pleas, entered last fall by other construction companies. But until yesterday the full scope and implications of the criminal investigation were not publicly known.

In the plea entered yesterday in Federal District Court in Birmingham, Ala., ABB Middle East and Africa Participations A.G., a Milan-based subsidiary of the engineering company, admitted to taking part in a conspiracy to rig the bid for a project known as Contract 29. The original participant in the conspiracy was SAE Sadelmi USA, another ABB subsidiary, which was based in North Brunswick, N.J., and later became part of the Milan subsidiary.

Under the terms of the illegal agreement, the ABB unit met with other potential bidders on Contract 29 and agreed to pay them $3.4 million to submit inflated bids for the project. The ABB unit was then able to inflate its own bid on the project, knowing the offer would still beat other submissions. The value of the awarded contract, which was to pay for building a wastewater treatment plant in Abu Rawash, Egypt, was about $135 million.

''Although the construction work that is the subject of this case was performed on foreign shores, the U.S. government paid the bill and the U.S. taxpayers were the victims of the scheme,'' John M. Nannes, acting assistant attorney general in charge of the Justice Department's Antitrust Division, said in a statement.

An ABB spokesman, William Kelly, said the company had been cooperating with investigators since 1996, and first learned that it was a target of the inquiry last fall. He said the crimes were conducted by a small group of employees, all of whom have since left the company for reasons unrelated to the case.

''We deplore and deeply regret the behavior that led to these charges,'' Mr. Kelly said. ''It stands in sharp contrast to the high standard of business ethics practiced by the great majority of ABB employees.'' He added that in the year since the bid rigging occurred, ABB has expanded internal compliance programs ''to let employees at all levels know that ABB has zero tolerance for illegal or unethical business behavior.''

According to court records in related civil cases, the $3.4 million payment was made to an unincorporated joint venture formed by Bill Harbert International Construction, based in Birmingham, and the J.A. Jones Construction Company, a Charlotte, N.C., subsidiary of Philipp Holzman A.G. of Frankfurt.

Phillipp Holzman pleaded guilty to a criminal complaint filed under seal last August. A spokesman for Harbert did not return a telephone call.

According to court filings by the government in related cases, the Jones-Harbert venture was at the center of other bid-rigging efforts involving the Egyptian water projects. For example, American International Contractors Inc., a construction company based in Arlington, Va., and owned by the Archirodon Group of Geneva, pleaded guilty last September to accepting payments in exchange for a commitment not to bid on a project known as Contract 20A. That contract was awarded to the Jones-Harbert joint venture, court records show.

Indeed, irregularities in Contract 20A led to the discovery of the broader bid-rigging scheme. The irregularities were first discovered by Richard F. Miller, who worked first as a controller and then as treasurer of Jones from 1986 through 1996.

During the course of his work, Mr. Miller discovered a series of improper transactions involving the joint venture with Harbert, and pieced together that a bid-rigging scheme had been used in Contract 20A, a $107 million sewer project in Cairo.

Among the evidence eventually discovered by Mr. Miller, according to court records from a federal whistle-blower suit he filed, were wire transfers for $3.35 million from the joint venture to a related company for fictitious ''preconstruction costs.''

The most complex transaction, according to the court records, was a bogus ''sale-lease-back'' arrangement involving a Jones-related company called Sabbia. Under the terms of the deal, Sabbia was to purchase the construction equipment for the project, then lease it back to the joint venture.

Yet while $14.4 million in lease payments were sent to Sabbia, the $4 million to purchase the equipment was never paid by that company. Instead, according to court records and lawyers involved in the case, that money remained in a Swiss bank account and was used as a fund to disburse payments to other co-conspirators.

''This was an example of a transaction that was done to reduce the apparent profitability of Contract 20A,'' said Robert Bell, a lawyer from Wilmer, Cutler & Pickering who is representing Mr. Miller in his whistle-blower suit. ''If you skim almost $15 million off the top, it's easier to make it look like the joint venture wasn't making all that much money.''

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE PATIENTS' BILL OF RIGHTS

Mr. SPECTER. Mr. President, I have sought recognition to comment about the legislation which is due to come to this Chamber tomorrow. I thought it might be useful to focus on a Dear Colleague letter which I sent out last week, which reads as follows:

A key point of controversy on legislation now pending in the Senate is whether patients will be permitted to collect damages from insurance companies without a statutory limitation. Under more than 200 years of common law precedents, a harmed plaintiff has been able to recover compensation as set by a jury for economic losses and pain and suffering when a defendant is negligent and punitive damages for gross, malicious or intentional misconduct.

The McCain-Edwards-Kennedy Bill, of which I am a co-sponsor, provides for Federal court jurisdiction on the issue of whether a claim is covered by the contractual provisions of a health care plan and for state court jurisdiction on medical malpractice claims.

Serious concerns have been raised to that bill because of a history of very high verdicts in state courts on personal injury claims which could significantly raise the cost of health care in the United States. There is substantial experience that Federal court trials result in a more reasoned and judicious result in malpractice cases.

I intend to offer a compromise amendment which would maintain Federal court jurisdiction under McCain-Edwards-Kennedy for coverage claims (which have also been referred to as quantity or eligibility decisions) and extend Federal court jurisdiction, excluding state court jurisdiction, on medical

malpractice claims (which have also been referred to as quality or treatment decisions) which would preserve plaintiffs' traditional common law remedies in a more reasoned judicial setting.

The consequences of ERISA have been extremely complicated. Enacted in the early 1970s, it has been held in many, many cases to bar plaintiffs from recovering for personal injuries. Cases brought under ERISA, section 502, are governed by the doctrine of complete preemption, which applies when Congress so completely preempts a particular area of law that any civil complaint raising this select group of claims is necessarily Federal in character.

Under section 514, a plaintiff's claim is barred if the claim relates to an employee benefit plan. If a plaintiff's claim does not relate to an employee benefit plan, then the claim is not barred and is heard in State courts. There is a growing line of cases finding that State causes of action, States' Patients' Bill of Rights, do not relate to an employee benefit plan and, therefore, are not preempted if they address the quality of services to be provided.

There have been many cases in this complicated field, and they are referred to by the Court of Appeals for the Fifth Circuit in a case decided slightly less than a year ago on June 20, 2000, in a case captioned Aetna Health Plans of Texas, Inc., v. the Texas Department of Insurance. There the Fifth Circuit noted that the courts have ''repeatedly struggled with the open-ended character of the preemption provisions of ERISA'' and also the Federal Employees Health Benefits Act.

The Fifth Circuit goes on to say:

> The courts have faithfully followed the Supreme Court's broad reading of ''relate to'' preemption under 502(a), in its opinions decided during the first twenty years after ERISA's enactment. Since then, in a trilogy of cases, the [Supreme] Court has confronted the reality that if ''relate to'' is taken to the furthest stretch of its indeterminacy, preemption will never run its course, ''for really universal relations stop nowhere.''

There has been a succinct summary of the key issues raised by ERISA preemption in a case decided earlier this year on March 27, 2001, by the United States Court of Appeals for the Third Circuit, captioned Pryzbowski v. United States Health Care Incorporated. In Pryzbowski, the court noted prior Third Circuit opinions where the court distinguished between claims directed to the quality of the benefits the plaintiff received versus claims that the plans erroneously withheld benefits, that is, claims that seek to enforce plaintiff's rights under the terms of their respective plans or to clarify their rights to future benefits. In Pryzbowski the Third Circuit went on to say that:

> We stated that claims that merely attack the quality of benefits do not fall within the scope of section 502(a)'s enforcement provisions and are not completely preempted, whereas claims challenging the quantum of benefits due under an ERISA-regulated plan are completely preempted under section 502(a)'s civil enforcement scheme.

The Third Circuit then went on to note:

> Though the quality-quantity distinction was helpful in those cases, we have acknowledged that the distinction would not always be clear.

From Pryzbowski and other cases, it is apparent that if a Patients' Bill of Rights is enacted which gives the Federal courts jurisdiction over the scope of the plan, or the so-called quantity decision, and the State courts jurisdiction over the quality or the treatment decision, then there will be a plethora of nearly endless litigation as to what belongs in which court. The court decisions are replete with cases where the facts have been analyzed. It is frequently very difficult to distinguish between the two categories, quantity or quality, and it often ends up with the case remanded for other facts to be determined.

It is my suggestion that the Federal court retain total jurisdiction over both category of cases, whether they are the quantity decisions, which relate to eligibility decisions, or the quality decisions, which relate to treatment decisions. My suggestion is that it would be much preferable to have exclusive jurisdiction vested in the Federal courts.

There is considerable concern about excessive verdicts in State courts when contrasted with the more judicious decisions in the Federal courts. What my compromise suggests is that by giving exclusive jurisdiction to the Federal courts, traditional plaintiff's damage claims could be retained without so-called caps or limitations.

There has been enormous concern about what would happen if the Patients' Bill of Rights refers to the State courts these medical malpractice cases without any limitation on damages.

Last year, the Judiciary Committee considered amending diversity jurisdiction in class action cases because diversity jurisdiction was so easily defeated when a class of plaintiffs would sue a defendant. If there was a single plaintiff residing in the same State as the defendant, then diversity was defeated.

This legislation, which amended diversity jurisdiction and was passed out of the Judiciary Committee, was sought by so many defendants who felt unfairly treated by State court decisions. The report of the Judiciary Committee on the Class Action Fairness Act of 2000 (S.R. 106–420) contains some statements which are relevant to consideration of having medical malpractice cases tried solely in the Federal courts rather than the State courts.

This is what the Judiciary Committee report said at page 15:

> The ability of plaintiffs' lawyers to evade Federal diversity jurisdiction has helped spur a dramatic increase in the number of class actions litigated in State courts—an increase that is stretching the resources of the State court systems.

Then on page 16, the Judiciary Committee majority report goes on to point out the concern of unfairness in State court actions saying:

> The Committee finds, however, that one reason for the dramatic explosion of class actions in State courts is that some State court judges are less careful than their Federal court counterparts about applying the procedural requirements that govern class actions. Many State court judges are lax about following the strict requirements of rule 23 (or the State's governing rule), which are intended to protect the due process rights of both unnamed class members and defendants. In contrast, Federal courts generally do scrutinize proposed settlements much more carefully and pay closer attention to the procedural requirements for certifying a matter for class treatment.

Then the Judiciary Committee majority report goes on at page 17 to point out:

> A second abuse that is common in State courts class actions is the use of the class device as ''judicial blackmail.'' Because class actions are such a powerful tool, they can give a class attorney unbounded leverage. Such leverage can essentially force corporate defendants to pay ransom to class attorneys by settling—rather than litigating—frivolous lawsuits.

The majority report then goes on to say:

> State court judges often are inclined to certify cases for class action treatment not because they believe a class trial would be more efficient than an individual trial, but because they believe class certification will simply induce the defendant to settle the case without trial.

Now, in citing these references to the Judiciary Committee report, I do not seek to impugn all State court judges because most State court judges are careful and judicious and follow settled principles. But there have been a considerable number of these certifications of class actions, and there have been many cases which involve forum shopping, judge shopping, which seek to go to specific counties or specific States where there are excessive verdicts.

By contrast, the Federal courts have an established reputation where there is different selection of judges. In many States, judges are elected—my own State of Pennsylvania. Here, again, I am not intending any broad condemnation, but in the Federal courts, where judges are selected for life tenure, it is fair to say that the caliber of the judiciary is superior. That, again, is a generalization.

Again, there are many fine State court judges. But the experience in the State courts, as illustrated by this class action report, gives grave concern to many who are worried that if the Patients' Bill of Rights is enacted and there are unlimited damages possible in State court (medical malpractice cases), which is now the provision under the McCain-Edwards-Kennedy bill, that there will be widespread abuses. Those same concerns are not found with respect to these malpractice cases in the Federal courts.

We are about to enter on to a difficult and protracted debate on a Patients' Bill of Rights. It is my view, and has been, as reflected in the votes I have cast on the Senate floor for several years now, that America needs a Patients' Bill of Rights and that the traditional remedies not be capped or limited. But a good tradeoff, in my judgment, would be that exclusive jurisdiction would be vested in the Federal courts. This is not really a problem for plaintiffs of ''forum non conveniens''—the Latin phrase which means an inconvenient court—because there are underlying Federal questions on ERISA. And even when cases are brought in the State court, invariably, they end up on removal actions in the Federal court. When you start to try to make distinctions under ERISA 502, ERISA 514, trying to distinguish between the quantity of coverage versus the quality of coverage, they necessarily overlap; and it will be a saving of judicial resources if all of those cases are heard in the Federal court. I ask my colleagues to consider this.

I ask unanimous consent at this time that the full text of my Dear Colleague letter, dated June 13, be printed in the RECORD.

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

JUNE 13, 2001.

DEAR COLLEAGUE: A key point of controversy on legislation now pending in the Senate is whether patients will be permitted to collect damages from insurance companies without a statutory limitation. Under more than 200 years of common law precedents, a harmed plaintiff has been able to recover compensation as set by a jury for economic losses and pain and suffering when a defendant is negligent and punitive damages for gross, malicious or intentional misconduct.

The McCain-Edwards-Kennedy Bill, of which I am a co-sponsor, provides for Federal court jurisdiction on the issue of whether a claim is covered by the contractual provisions of a health care plan and for state court jurisdiction on medical malpractice claims.

Serious concerns have been raised to that bill because of a history of very high verdicts in state courts on personal injury claims which could significantly raise the cost of health care in the United States. There is substantial experience that Federal court trials result in a more reasoned and judicious result in malpractice cases.

I intend to offer a compromise amendment which would maintain Federal court jurisdiction under McCain-Edwards-Kennedy for coverage claims and extend Federal court jurisdiction, excluding state court jurisdiction, on medical malpractice claims which would preserve plaintiffs' traditional common law remedies in a more reasoned judicial setting.

Since the Patients' Bill of Rights will be on the Senate floor next week, I thought it useful to call this proposal to your attention so that you may consider it. My staff and I are available to respond to questions and to amplify the details of this proposed compromise since this is a simplified statement on complex legal issues.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I thank the Chair for sitting late. It is not easy to come in on a Monday afternoon. The distinguished Senator from Utah, a senior Republican on the Judiciary Committee, has performed extraordinary service. I thought it not unfitting that I should cite his report on class action cases since he was the author of those pearls of wisdom I quoted.

I believe that concludes our business.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 4:03 p.m., adjourned until Tuesday, June 19, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 18, 2001:

THE JUDICIARY

TERRY L. WOOTEN, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–553, APPROVED DECEMBER 21, 2000.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

STEVEN L ADAMS, 0000
JOSEPH P ANELLO, 0000
AMOS BAGDASARIAN, 0000
MICHAEL E BATES, 0000
JAMES A BUNTYN, 0000
KEVIN M BURMAN, 0000
ROBERT B BURNS, 0000
WILLIAM J BURNS, 0000
DAVID N BURTON, 0000
WILLIAM S BUSBY III, 0000
IWAN B CLONTZ, 0000
MICHAEL G COSBY, 0000
MICHAEL J DORNBUSH, 0000
ARTHUR B EISENBREY, 0000
DENNIS C ELVIN, 0000
MICHAEL L FLOOD, 0000
LOREN W FLOSSMAN, 0000
TERRY L FRITZ, 0000
FLORIAN J GIES IV, 0000
TIMOTHY G GRAVEN, 0000
ERNEST D GREEN, 0000
MICHAEL E HILLESTAD, 0000
ELWOOD H HIPPEL JR., 0000
DAVID E HOLMAN, 0000
ROBERT H JOHNSTON, 0000
LARRY R KAUFFMAN, 0000
MARY J KIGHT, 0000
BRADLEY A LIVINGSTON, 0000
THOMAS E LYTLE III, 0000
GARY T MAGONIGLE, 0000
DAVID B MANSFIELD, 0000
BRUCE A MARSHALL, 0000
MICHAEL J MCDONALD, 0000
MARK F MEYER, 0000
RICHARD O MIDDLETON II, 0000
MICHAEL S MILLER, 0000
ARNE E MOE, 0000
NICHOLAS M MONTGOMERY JR., 0000
YAFEU A NANTWI, 0000
ROBERT D NORTH, 0000
THOMAS A PERARO, 0000
DANA A RAWL, 0000
JEFFREY E SAWYER, 0000
THOMAS C SCHULTZ, 0000
GARY SHICK, 0000
STEPHEN M SISCHO, 0000
LAWRENCE W SMITH JR., 0000
ROBERT D SMITH JR., 0000
WILLIAM J STRANDELL, 0000
T JOHN STROM BROCK, 0000
ERNEST G TALBERT, 0000
STEVEN L VANEVERY, 0000
MICHAEL J VANLEUVEN, 0000
EDWIN A VINCENT JR., 0000
CHARLES E WEST JR., 0000
JOHN D WOOTTEN JR., 0000
SALLIE K WORCESTER, 0000
ROBERT J YAPLE, 0000
JANNETTE YOUNG, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT E ELLIOTT, 0000
DAVID L GRAY, 0000
BERNIE R HUNSTAD, 0000
MARK H JACKSON, 0000
EDWARD S KAPRON, 0000
RICHARD A LEXVOLD, 0000
CHARLES E LYKES JR., 0000
GERALD L MEYER, 0000
JAMES K OBRIEN JR., 0000
CHARLES E PICKENS, 0000
PETER G SMITH, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRUCE M. BENNETT, 0000
DONALD C. BRITTEN, 0000
LINWOOD D. BUCKALEW, 0000
MARK A. CLINK, 0000
JOSEPH P. KELLY, 0000
JOHN T. LINDSAY, 0000
FERDINAND F. PETERS, 0000
ROY P. PIPKIN, 0000
GRANT E. ZACHARY JR., 0000

DEPARTMENT OF COMMERCE

SAMUEL W. BODMAN, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF COMMERCE, VICE ROBERT L. MALLETT, RESIGNED.

MICHAEL J. GARCIA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE F. AMANDA DEBUSK, RESIGNED.

DEPARTMENT OF DEFENSE

JOSEPH E. SCHMITZ, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE ELEANOR HILL.