

While the legislation passed by the Senate requires the FCC to report on methods of facilitating "local into local", we believe there should be a more focused effort towards the goal of implementing "local into local" as soon as technically possible. To this end, we support the creation of a Local Television Planning Group that would make recommendations to Congress to ensure that all local television signals are retransmitted by appropriate technologies as soon as practicable. This Planning Group should be convened under the auspices of the National Telecommunications and Information Administration (NTIA), and should include representative local broadcasters and knowledgeable senior staff drawn from relevant federal agencies such as the Federal Communications Commission, the Department of Justice, and agencies within the Department of Agriculture that specialize in providing services to rural America. We believe this is a workable approach that ensures no portions of America are left out of the information age.

Thank you for your consideration. We look forward to working with you on this important issue for rural Americans.

Sincerely,

Max Baucus, Tom Daschle, Tim Johnson, Harry Reid, Larry E. Craig, Chuck Grassley, Jim Bunning, Pat Roberts, Bob Smith, Craig Thomas, Bob Kerrey, Tom Harkin, Paul Wellstone, Byron L. Dorgan, Jim Inhofe, Wayne Allard, James M. Jeffords, Michael B. Enzi, Susan Collins, Michael Crapo, Rod Grams, Frank H. Murkowski, Thad Cochran, Ron Wyden.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXTENSION OF MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent—and this has been cleared on both sides—that we continue in morning business until the hour of 3 p.m., with the time equally divided between both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NATIONAL SECURITY

Mr. AKAKA. Mr. President, as a member of the Energy Committee and the Governmental Affairs Committee where I am ranking member on the International Security, Proliferation and Federal Services Subcommittee, I

have benefited from numerous briefings and extensive hearings on the issues raised in the House select committee's Report on U.S. National Security and Military/Commercial Concerns With the People's Republic of China. Representative Cox and Representative DICKS and their colleagues on the House select committee have done the country a great national service in producing the report.

The bipartisan manner in which they conducted their analysis is an example to us all of the importance of placing bipartisanship above political interests for the sake of national security.

I was dismayed, as other Members have been, by the extent of Chinese espionage efforts exposed in the committee's report. I wish we could say that American efforts and commitment to countering Chinese espionage were as relentless and as persistent as their ongoing efforts to acquire information from us.

Importantly, the President and the entire administration have taken major steps to reform our security at the national nuclear weapons laboratories and to improve our counterintelligence capability. Many of these changes were ordered by the President in February 1998 well before the House Select Committee was formed.

Additional measures were taken during the committee's review as the extent of Chinese espionage became apparent.

Let me make two cautionary statements:

There is a great deal of discussion now in Washington as to whom to blame for the security lapses. There is the usual round of finger-pointing and calls for this or that person to resign.

We should not spend all of our time searching for scapegoats. Only our adversaries take solace when we turn on ourselves and become distracted by partisan squabbling. Let us instead focus our attention on improving our security and rooting out those guilty of betraying America.

Secondly, let us not sacrifice our efforts to build a constructive relationship with the Chinese people because of our justifiable anger at their government's espionage.

Much of what has occurred is to our embarrassment for not being more vigilant.

We need to engage China. We have issues and problems that can only be resolved by cooperation. These include bread and butter issues such as reducing our trade deficit and improving market accessibility for American goods. They include global issues such as global warming and the proliferation of weapons of mass destruction.

The Select Committee's report indicates that, despite international commitments to the contrary, China continues to proliferate weapons of mass destruction.

To convince China to cooperate with us in ending the threat of proliferation we will need to engage China.

Our foreign visitor's program at the national laboratories has provided us with one opportunity to engage the Chinese on issues such as improving export controls. With enhanced restrictions, these programs should continue. It is our openness to the best scientific minds which aids America in keeping its intellectual edge sharp on the frontiers of science.

But engagement is not a one-way street.

China needs to demonstrate that it wants to and can engage the United States in a constructive and cooperative manner.

China can choose to swamp us either with spies or with friends. The choice is theirs.

There is a sense in the country from the revelations contained in the Cox Committee report that the Chinese have "poisoned the well" of relations between the United States and China. The report observes that "the PRC uses a variety of techniques, including espionage, controlled commercial entities, and a network of individuals and organizations that engage in a vast array of contacts with scientists, business people, and academics."

The report further charges that there are an increasing number of Chinese "front companies" in the United States attempting to gain access to our technology and national security secrets. China seems to be almost unchecked in its efforts to gain information on the United States.

This view has two detrimental effects. The first effect is on the overall perception of the benefits of relations with China.

On June 3, the President took the correct step of renewing normal trade relations with China. But it was a step that China needs to match. With a growing trade imbalance of \$57 billion in 1998 out of a total trade of \$85.4 billion, China is our fourth largest trading partner. We are also the third largest foreign investor in China. During the Asian financial crisis, American trade with China played a substantial role in keeping the Chinese economy afloat as Chinese exports to the U.S. grew even as Chinese exports to other nations fell. The lesson for China is that we are too important for them to ignore. The lesson for us is that China has become too big for us to ignore.

A step in the right direction for both countries is to achieve an agreement on conditions for China's entry into the World Trade Organization. Chinese participation in this international body would be a major leap forward into integrating China in the world economy. Conditions that permit more access for American goods and protection for American investment in China would help accelerate the modernization of the Chinese economy.

I think the battle within China over whether or not to participate in the international economy has been won by the advocates of modernization led by President Jiang Zemin and Premier

Zhu Rongji. Granting NTR to China this year will set the stage for a conclusion to the long-running negotiations with China over WTO accession. I support renewal of NTR for China because it is an essential step towards redefining American-Chinese relations in terms of mutual benefit rather than in terms of winner and loser.

The second discouraging effect of the report is to taint Asian Americans, especially Chinese Americans, with the stain of suspicion of espionage. This unfair, but very real, perception came through clearly during a recent visit by Energy Secretary Bill Richardson to Lawrence Livermore National Laboratory where one Asian American employee declared, "we all feel like suspects of espionage." Mr. Hoyt Zia, chief counsel for export administration in the Commerce Department, wrote in the New York Times recently about the unfortunate and unwarranted charge that "Asian-Americans continue to be accused of having dual loyalties to a degree far greater than any other immigrant group to this country."

I commend his article, "Well, Is He A Spy—Or Not?", to my colleagues and ask unanimous consent that the article be printed in its entirety in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. AKAKA. Thank you, Mr. President.

Yes, it is true, according to our counter intelligence specialists, that Chinese intelligence officers target Chinese Americans and that they also rely on Chinese in the United States who are not American citizens, but it has always been true that foreign intelligence services seek out Americans with similar ethnic backgrounds when trying to establish spy networks. There are numerous examples of this. During the cold war, East German operatives targeted German Americans. From an operational perspective, this only makes sense.

It is the job of all Americans to be vigilant, regardless of ethnic background. This is the lesson of the recent concern over national security leaks. We should not overreact or allow ourselves to become sidetracked by unsupported charges that unfairly tarnish any individual or group absent solid evidence. As the recent report about national lab security by a Presidential panel chaired by former Senator Warren Rudman stated, "enough is enough." We need now to sit down, review, improve our security procedures and think seriously anew about our policy towards China.

I urge my colleagues in joining me in examining next steps, not our last steps, in an effort to implement security reforms at the national laboratories and to encourage the development of a more effective policy towards the People's Republic of China.

I thank the Chair for this time. I, again, ask that we seriously look into our relationship with China.

EXHIBIT No. 1

[From the New York Times, May 26, 1999]

WELL IS HE A SPY—OR NOT?

(By Hoyt Zia)

WASHINGTON, DC.—After serving almost five years in the Clinton Administration, I've learned a number of things about Washington—and one of them is how innuendo can ruin a reputation in no time.

In my job as chief counsel for export administration in the Commerce Department, I work daily with classified information in order to help regulate technology exports to China and other countries that can be used for military purposes.

As such, I am well familiar with the risks to national security that could result from the improper disclosure of classified information, as well as the highly politicized nature of technology transfers to China. From this vantage point, I find myself greatly troubled by the atmosphere surrounding the espionage allegations leveled against Wen Ho Lee, a nuclear weapons scientist at Los Alamos National Laboratory in New Mexico. I'm afraid this tension is only going to get worse with the release yesterday of the report from the Congressional investigation led by Representative Christopher Cox.

The case against Mr. Lee goes something like this: In 1996, intelligence officials obtain a Chinese document from 1988 containing classified information about an advanced American nuclear warhead. Since Mr. Lee traveled to China for scientific conferences in 1986 and 1988, and in 1982 had called a Chinese-American scientist at another national lab who was suspected of espionage, he was added to the Federal Bureau of Investigation's list of Chinese spies.

After a three-year investigation by the F.B.I. yielded insufficient evidence to support a charge of espionage, Mr. Lee was fired from his job in March for unspecified breaches of security and identified as an espionage suspect. While recent Congressional investigations into the matter, including the one led by Representative Cox, have concluded that Chinese spying at the labs is pervasive and ongoing, there is no other evidence that Mr. Lee passed classified information to the Chinese, intentionally or otherwise. Nonetheless, many in the media and in the Government have pronounced Mr. Lee guilty of passing nuclear weapons secrets to the Chinese.

Let me make clear that I do not defend Mr. Lee's alleged misconduct or contend that he has not done anything wrong. While the F.B.I. has yet to uncover any evidence to support charging him with espionage, he appears to have committed gross violations of the rules for handling classified material. The details of the security violations for which he was fired were never specified, but subsequently it was found that he had transferred highly classified nuclear weapons programs from a protected classified computer system to his unprotected desktop computer. If Mr. Lee indeed mishandled classified information, then he deserves to be punished for those violations, the same as anyone else.

Nevertheless, such violations do not on their face make him a spy. A charge of espionage requires the specific intent to steal the secrets of one in order to turn them over to another. Mishandling classified information has nothing to do with giving secrets away, but simply failing to safeguard them properly.

It has been reported that many of Mr. Lee's colleagues at the national laboratories have also been lax about observing these

rules. Even John Deutch, the former head of the Central Intelligence Agency, was reportedly investigated after being accused of mishandling classified information, including allegedly having 31 secret C.I.A. files on his unsecure home computer. And it is well known that the major national weapons labs long resisted F.B.I. and Congressional pressure to tighten their security policies.

While Mr. Lee should not be excused because "everybody does it," neither should he be singled out if he has acted no differently from many of his colleagues of all ethnicities.

Although the problem of lax security has been around for two decades and largely unnoticed, the controversy surrounding Mr. Lee will not let up. Attorney General Janet Reno has been vilified for the Justice Department's decision not to order wiretaps on Mr. Lee. Under normal circumstances would this even have been considered given the inadequate evidence? And there has even been talk of banning those scientists with "dual loyalties" from our scientific laboratories.

Why this single-minded pursuit of Mr. Lee? There is an obvious difference between him and others in his position: He is of Chinese ancestry. For reasons that I cannot fathom, and notwithstanding numerous cases of exemplary service to this country, Asian-Americans continue to be accused of having dual loyalties to a degree far greater than any other immigrant group in this country.

I know—I, too, have been accused of having dual loyalties because, though an American, I happen to be of Chinese ancestry. During the Congressional investigations into improper campaign fund-raising, I, like many other Asian-Americans, was interviewed by Federal and Congressional investigators as well as by self-appointed "watchdog" groups with their own political agendas.

Though I was not involved in fund-raising and had no personal ties to the Chinese Government, I was named as a possible link to China by far-right publications like *The American Spectator*. The sole evidence was my Chinese ancestry. No official evidence was ever given to support those offensive falsehoods, but the damage to one's reputation from accusations of disloyalty are irreparable.

The link to possible controversy was enough to cause Administration officials to withdraw my appointment to a higher position in the Department of the Navy where, as a former Marine officer, I hoped I could serve. I will forever have to explain to prospective employers why my loyalty as an American was called into question.

It is no secret that the Chinese, like the Israelis, Russians, French, Germans and every other industrialized country, are spying on us every day. Perhaps it is also a fact of life that politicians conjure up fears against minority groups to achieve their objectives.

But in the United States, there is something called due process. If the Government has evidence that Wen Ho Lee committed espionage, it should charge him and let the accusations be aired in a courtroom. If it doesn't, then it should put the matter to rest rather than allow innuendo and rumor not only to smear Mr. Lee but to call into question the loyalty of every Asian-American.

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

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

#### PRUDENT LAYPERSON STANDARD

Mr. BAUCUS. Mr. President, I return to the floor today to urge my colleagues to allow an open debate on the Patients' Bill of Rights. For some time now we have been asking for this debate. Actually, we have been asking for about 2 weeks. Yet we still have not reached an acceptable agreement.

I return to the floor today to continue my discussion of a critically important provision in the Patients' Bill of Rights. This provision ensures appropriate coverage for emergency services according to the prudent layperson standard. Unfortunately, the alternative standard that my colleagues on the other side of the aisle are offering falls short of the true prudent layperson standard. It is unfortunate that we are locked into a divisive debate, since I believe we could reach agreement on this provision.

We have already passed the prudent layperson standard for Medicare and Medicaid beneficiaries—a very important point. It is already in the law. Now we need to complete the task and offer the same protection for hard-working Americans with private insurance.

The bipartisan bill I cosponsored and the Democratic Bill of Rights contain the real prudent layperson standard for emergency services. What is the problem with the version of the prudent layperson standard proposed by those on the other side of the aisle? There are two weaknesses in their version.

First, it provides an inadequate scope of coverage for emergency services. The prudent layperson standard in their bill only applies to 48 million people. Both the bipartisan bill and the Democratic bill apply this support and protection to all 180 million Americans with private health insurance.

I heard arguments from the other side of the aisle that the Federal Government shouldn't get involved in private health insurance. The problem with that argument is simply this: We already are involved. Thankfully, we have made the decision that even if there is no other guarantee in our health care system, we will have guaranteed access to emergency services.

Health care that millions of Americans receive during emergencies is a safety net on which our system relies. Federal legislation already mandates this safety net. The prudent layperson standard in our bill—which, I might add, has bipartisan support—parallels the Federal mandate for emergency care.

If we fail to extend the prudent layperson coverage to all privately insured individuals, then we are choosing to continue an unfunded mandate.

The other major weakness in the prudent layperson provisions in the Republican bill is the lack of provisions

for post-stabilization services. Mr. President I want to point out what the debate about post-stabilization services is all about. It simply boils down to two questions:

(1) Is post-stabilization care going to be coordinated with the patient's health plan, or is it going to be uncoordinated and inefficient?

(2) Are decisions about post-stabilization care going to be made in a timely fashion, or are we going to allow delays in the decision-making process that compromise patient care and lead to overcrowding in our nation's emergency rooms?

When I have heard arguments about the post-stabilization services, I have heard opponents of these provisions characterize post-stabilization care as "optional."

Mr. President, we need to understand that no matter what Congress decides to do, post-stabilization care will be delivered in our nation's emergency rooms. The care delivered after stabilization is not optional. The choice Congress has is to decide whether the care will be coordinated or uncoordinated.

Kaiser-Permanente is a strong supporter of the post-stabilization provisions in our bill for a simple reason: They realize that coordinating care after a patient is stabilized not only leads to better patient care, it saves money.

Mr. President, I have a letter of support from Kaiser-Permanente which outlines their reasons for supporting our version of the prudent layperson standard. I ask unanimous consent that it be printed in the RECORD.

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

KAISER PERMANENTE,  
Washington, DC, June 24, 1999.

HON. MAX BAUCUS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BAUCUS, since 1996, Kaiser Permanente has supported the passage of federal legislation embracing the Prudent Lay Person concept, which requires insurance coverage of emergency services provided to people who reasonably expect they have a life or limb threatening emergency. In connection with this, we support a requirement that the emergency physician or provider communicate with the health plan at the point where the patient becomes stabilized. This will allow for coordination of post-stabilization care for the patient, including further tests and necessary follow-up care. These concepts are contained in several bills currently pending before Congress. I should note, however, that our favoring of this language should not imply endorsement in its entirety of any specific bill that deals with other issues.

As a result of the Balanced Budget Act of 1997 with its ensuing regulations applicable to Medicare + Choice and Medicaid enrollees and the Executive Order applying the President's Advisory Commission's Bill of Rights to all federal employees, approximately 30 million Americans are now the beneficiaries of a financial incentive to emergency departments to communicate with the patient's health plan after the patient is stabilized. This helps to ensure that the patient's care

is appropriate, coordinated and continuous. It is important that emergency departments have the same incentive to coordinate post-stabilization and follow up care for patients who are not federal employees or beneficiaries of Medicare or Medicaid. We have heard of minimal problems implementing this standard in those health plans participating in FEHBP and Medicare + Choice programs. Since a federal standard is in place and working, it is good policy to extend that standard to the general population.

For the past ten years, we have implemented on a voluntary basis a program that embraces these concepts of honoring payments for the care our members receive in non-participating hospital emergency departments up to the point of stabilization. Our Emergency Prospective Review Program has encouraged the treating physicians in such settings to contact our physicians at the earliest opportunity to discuss the need for further care. This has allowed us to make available elements of the patient's medical record pertinent to the problem at hand and to coordinate on-going care as well as the transfer of the patient back to his/her own medical team at one of our facilities. We have found this program to be considerate of the patients' needs, emphasizing both the urgency of treatment for the immediate problem as well as the continuity of high quality care.

This has been a cost-effective practice, affording the patient the highest quality of care in the most appropriate setting. By assuring immediate response to telephone inquiries from non-participating emergency facilities, we have been able to provide substantial assistance to the emergency doctor who otherwise is practicing in an isolated environment without access to the patient's medical record. Our own emergency physicians on the telephone have offered peer consultations provisionally approved coverage for urgently needed tests and treatment, arranged for the coordination of follow up care, and implemented critical care transport of patients back to our own facilities. Of over two thousand patients transported in this fashion, one third have been discharged to their homes. Without this coordination of care, these patients would have been hospitalized at needless expense.

In summary, this program has served the needs of our patients, the treating emergency physicians, and our own medical care teams, while providing substantial savings in both clinical expense and in administrative hassle over retrospective approval of payment for services provisionally approved through the telephone call. We are strongly in favor of the post-stabilization coordination provision as an essential element of the emergency access provision of the Patients Bill of Rights.

Sincerely,

DONALD W. PARSONS,  
Associate Executive Director,  
Health Policy Development.

Mr. BAUCUS. Mr. President, I need to point out that this letter doesn't endorse all of the provisions in the Patients' Bill of Rights. However, it strongly supports the post-stabilization provisions in our bill. I'll read a small portion of the letter:

In summary, this program has served the needs of our patients, the treating emergency physicians, and our own medical care teams, while providing substantial savings in both clinical expense and in administrative hassle over retrospective approval of payment for services provisionally approved through the telephone call. We are strongly in favor of the post-stabilization coordination provision as an essential element of the