

October 30, 1999:

Hichem Belhouchet, 31, Houston, TX;

Joel Cobreres, 21, Chicago, IL;

Gustavo Delgado, 81, Miami-Dade County, FL;

Ollie T. Fisher, 34, Chicago, IL;

Jermaine Jones, 21, St. Louis, MO;

Woodrow Kelly, 51, Washington, DC;

Deshawn Powell, 28, Detroit, MI;

Paula Proper, 33, Rockford, IL;

Lewis Queen, Washington, DC;

Fidel Quiros, 41, Miami-Dade County, FL;

Derrick Redd, 19, Chicago, IL;

Quinten Reed, 18, Nashville, TN;

Antonio Sanchez, 24, Charlotte, NC;

Tanisha Simmons, 17, Detroit, MI;

David Walters, 36, Miami-Dade County, FL; and

Unidentified Male, 26, Newark, NJ.

Following are the names of some of the people who were killed by gunfire one year ago Saturday and Sunday.

October 28, 1999:

Duane Brown, 17, Chicago, IL;

John Cardoza, 24, Denver, CO;

David Clemons, 35, Bridgeport, CT;

Melvin K. Owens, 28, Chicago, IL;

Victor Rijos, 25, Bridgeport, CT;

Tom Shields, 54, Detroit, MI;

Nelson J. Sullivan, 17, Chicago, IL;

Alicia Valladares, 30, Houston, TX;

Nyere Waller, 25, Oklahoma City, OK;

Cameron Wojacichaski, 22, Detroit, MI;

Michael Yslas, 54, Oakland, CA; and

Unidentified Male, 15, Chicago, IL.

October 29, 1999:

Tobey Antone, 18, Louisville, KY;

Richard Brumfield, 42, Louisville, KY;

Kenyatta Evans, 28, Detroit, MI;

Troy Johnson, 38, Oakland, CA;

James Middleton, 40, Baltimore, MD;

Rasheed Mohammed, 22, Binghamton, NY;

Jesus Rodriquez, 24, Dallas, TX;

Rene Wright, 38, Fort Worth, TX.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

HONORING OUR VETERANS ON VETERANS' DAY

Ms. COLLINS. Mr. President, on November 11th, people across the United States will celebrate Veterans' Day—a day in which we pause to remember and to honor the brave men and women who served their country in our armed forces.

November 11th also marks the anniversary of the armistice that ended World War I, a conflict that promised to be the "war to end all wars." Unfortunately, the peace that followed World War I was short-lived. The world soon was plunged into the cauldron of World War II, followed by the terror of the Cold War—played out on so many fronts, most tragically in Korea and Vietnam. Today we face continued threats to our liberty, with outlaw leaders of rogue states waging extremist campaigns against freedom and de-

mocracy, as well as the persistent danger of terrorist attacks—which we have seen all too recently with the USS Cole tragedy.

Indeed, the world is still a dangerous place, and World War I's promise of a lasting, worldwide peace has yet to be realized. The conflicts of the last century remind us that freedom constantly requires great sacrifices and often the lives of those who defend it. It is these patriots, the men and women of our armed forces, who answered the call of service and protected the freedoms we cherish. Although we can never fully repay the debt we owe these courageous Americans, we can and must continue to recognize the price they paid.

This year, Veterans' Day falls just four days after Election Day. I find this particularly fitting, as there is no greater symbol of American liberty than our ability to participate in free and fair elections. Above all else, we owe this freedom to our veterans. Time and again, our democracy has been preserved by these brave men and women.

This Veterans' Day marks another special occasion; the groundbreaking ceremony for the World War II Memorial, to be located on the National Mall in our nation's capital. This monument will stand in recognition of a generation of Americans who served their country so ably in resisting the forces of Nazism and oppression. This was a defining moment in our nation's history, and one to which almost every American feels some connection. My own father is a World War II veteran, and Purple Heart recipient.

Unlike my father, however, many Americans did not return home from this noble campaign. They were the duty-bound sons and daughters of our nation, who made the ultimate sacrifice for their country and for freedom. In the words of President LINCOLN, they "gave the last full measure of devotion," and we must uphold the memory of their heroism with respect, with reverence, and with our heartfelt admiration.

This is the purpose of Veterans' Day. Although mere words do not pay adequate tribute to the sacrifices our veterans have laid upon the altar of freedom, the knowledge of their noble deeds lives in the hearts and minds of those who are free—and shall not be forgotten.

HOUSE PASSAGE OF S. 3164

• Mr. LEAHY. Mr. President, I would like to commend Senator BAYH for his efforts on S. 3164, the Protecting Seniors from Fraud Act, which the House passed today. This bill, which I cosponsored along with Senators GRAMS and CLELAND, will greatly assist federal, state, and local efforts to crack down on crime committed against older Americans. Although I wish the Congress had also acted on additional proposals to protect elderly Americans, including S. 751, the Seniors Safety Act,

I am glad that we were at least able to pass this legislation.

I have been concerned for some time that even as the general crime rate has been declining steadily over the past eight years, the rate of crime against the elderly has remained unchanged. That is why I introduced the Seniors Safety Act with Senators DASCHLE, KENNEDY, and TORRICELLI over a year ago. The Judiciary Committee refused to hold hearings on this bill, which provides a comprehensive approach to a variety of problems affecting seniors today.

Thankfully, the Republican majority was less hostile to S. 3164, which includes one of the titles from the Seniors Safety Act. This title does two things. First, it instructs the Attorney General to conduct a study relating to crimes against seniors, so that we can develop a coherent strategy to prevent and properly punish such crimes. Second, it mandates the inclusion of seniors in the National Crime Victimization Study. Both of these are important steps.

The Protecting Seniors from Fraud Act includes important proposals for addressing the problem of crimes against the elderly, especially fraud crimes. In addition to the provisions described above, this bill authorizes the Secretary of Health and Human Services to make grants to establish local programs to prevent fraud against seniors and educate them about the risk of fraud, as well as to provide information about telemarketing and sweepstakes fraud to seniors, both directly and through State Attorneys General. These are two common-sense provisions that will help seniors protect themselves against crime.

I hope that when Congress reconvenes in January, we will consider the rest of the Seniors Safety Act, and enact even more comprehensive protections for our seniors. The Seniors Safety Act offers a comprehensive approach that would increase law enforcement's ability to battle telemarketing, pension, and health care fraud, as well as to police nursing homes with a record of mistreating their residents. The Justice Department has said that the Seniors Safety Act would "be of assistance in a number of ways." I have urged the Senate Judiciary Committee to hold hearings on the Seniors Safety Act as long ago as October 1999, and again this past February, but my requests have not been granted. Now, as the session is coming to a close, we are out of time for hearings on this important and comprehensive proposal and significant parts of the Seniors Safety Act remain pending in the Senate Judiciary Committee as part of the unfinished business of this Congress.

Let me briefly summarize the parts of the Seniors Safety Act that the majority in the Congress has declined to consider. First, the Seniors Safety Act provides additional protections to nursing home residents. Nursing homes

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

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

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

Finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes "deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement." This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offenses in both criminal and civil proceedings. It also protects whistle-blowers who alert law enforcement officers to examples of health care fraud.

I commend Senators BAYH, GRAMS, and CLELAND for working to take steps

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

DEPARTMENT OF DEFENSE VACCINE ACQUISITION STRATEGY

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

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

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

Since embarking on this acquisition strategy, events have proceeded as many had feared they would; disastrously. Last summer, the Defense Department awarded the BioPort corporation extraordinary contract relief to a previous contract for the production and vulnerable storage of the anthrax vaccine. The terms of the contract relief reduced the number of doses of vaccine to be produced by one-half, charged the U.S. taxpayer almost three times as much as was originally negotiated, and provided BioPort with an interest-free loan of almost \$20 million. BioPort officials have stated that even this may not constitute enough support. I question the fitness of whoever negotiated such a horrendous arrangement on behalf of the American taxpayer.

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

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

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

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

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

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

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