

waiting at the University of Pittsburgh, 99 died while waiting at Mt. Sinai, NY, and 46 children died while waiting for an organ at the Children's Hospital in Pittsburgh.

Additional problems occur when hospitals provide large numbers of life-saving transplants to out-of-state patients. Maryland hospitals, for instance, are required to pay back United Network for Organ Sharing (UNOS) with the total number of kidneys used in transplant operations, even though 40 percent of those transplant are performed on patients from other states. This means that states with small populations and centers of excellence in transplantation more easily build up a so-called "kidney debt." A "payback" requirement also applies to livers between some Organ Procurement Organizations (OPOs) or within certain OPOs. Without greater regional sharing of organs, such policies result in longer than the national average wait times and possible sanctions by UNOS, merely because a state provides life-savings services to non-residents.

To eliminate these inequities, the Department of Health and Human Services (HHS) issued regulations, which became effective March 16th, that establish a framework for organ allocation policies to be developed by the network. The policies will be based on sound medical judgment and will be fairer for all patients, irrespective of where they live.

Regrettably, H.R. 2418 would take us backward and undermine current efforts make the system more equitable. The bill delegates current government authority to a private entity without appropriate standards of Federal review. The bill denies HHS any role in overseeing organ allocation and promoting practices that are in the best interest of the entire public health. The congressionally mandated study by the Institute of Medicine clearly stated that such a role for HHS was both necessary and appropriate. Instead, the bill grants extraordinary powers to a private sector entity to select and approve the Federal controller that manages the OPTN. The manner of such selection does not appear to be consistent with existing principles of the Federal acquisition process, which promote full and open competition in awarding Federal contracts. Furthermore, the bill would not incorporate the Institute of Medicine's recommendation of standardization of patient listing practices and broader sharing of organs.

It is our hope that we can work with the committee of jurisdiction here in the Senate, the Health, Education, Labor and Pension Committee, to forge in an alternative reauthorization bill. It is our understanding that Senators Frist and Kennedy are currently working on a bill that would be more in keeping with the IOM's recommendations. We ask that this bill not disrupt the new HHS regulations.

Because of our strong objections to H.R. 2418, we request that we be notified and consulted before any unanimous consent agreement is sought for any legislation that seeks to reauthorize the National Organ Transplant Act, to ensure our ability to exercise our rights in the shaping of this important legislation.

Thank you for your consideration in this matter.

Sincerely,

RICHARD J. DURBIN,  
BOB KERREY,  
RICK SANTORUM,  
BARBARA A. MIKULSKI,  
PETER G. FITZGERALD,  
CHUCK HAGEL,  
ARLEN SPECTER,  
PAUL S. SARBANES,  
CHARLES E. SCHUMER.

## TRADE ADVISORY COMMITTEE SYSTEM

Mr. BAUCUS. Mr. President, I rise today to address a concern I have about the way we run our trade policy.

Over a quarter century ago, Congress passed the Trade Act of 1974. It was a monumental piece of legislation which laid the foundation for America's current trade policy operations. One of its features was a formal system of non-partisan advisory committees. These committees were designed to give the Executive Branch advice from the private sector on trade agreements.

The Trade Act created two tiers of advisory committees. At the top is the Advisory Committee on Trade Policy and Negotiations (ACTPN), composed of 45 people serving for a 2-year term. The members are officers of corporations, trade associations and labor unions. A parallel committee known as TEPAC provides advice on trade and the environment. The next tier contains the Industry Sector Advisory Committees and the Industry Functional Advisory Committees, known as ISAC's and IFAC's. The Trade Act gives the Executive Branch substantial leeway in creating them, chartering them, and choosing their members. Today there are more than two dozen ISAC's and IFAC's.

Mr. President, the Clinton Administration announced last month that it was taking a hard look at the advisory committee process. I support that. In the past year, we've witnessed some unwelcome developments in the advisory committee system that call into question whether its operating in the way Congress intended.

In May 1999, the head of a prominent environmental group resigned from the TEPAC. He resigned after his committee was asked to comment on regulations only after, rather than before, they were proposed by the State Department.

In November 1999, the U.S. District Court in Seattle ruled in favor of environmentalists who were seeking representation on two of the ISAC's for paper and wood products. They believed that the trade issues under discussion could have environmental consequences, and they wanted the ISAC's to consider those consequences when providing advice to the government. The Court agreed, and the Commerce Department took steps to comply.

For reasons I don't understand, the Justice Department appealed the decision after the Commerce Department had taken these steps. I have already said that I will introduce legislation mandating environmental participation if the District Court decision is overturned.

In January 2000, all three labor representatives resigned from the ACTPN, the top-tier committee. Their complaint was that they had no say in shaping the discussion agenda. So now nobody speaks on behalf of American workers on the ACTPN.

Clearly, Mr. President, this process isn't working the way Congress in-

tended. It is time for a fresh look. Let me focus on what I believe are the two main issues we should consider: trade agreement compliance and open participation.

In the 1974 Trade Act, Congress gave the advisory committees two main tasks. The first task was to give advice on upcoming and ongoing trade negotiations. The advice they give helps set negotiating objectives and bargaining positions. The second task related to existing trade agreement. The ACTPN, the ISAC's and the IFAC's were to give advice and information on compliance with these existing trade agreements.

We need more work on the second task.

Over the past 20 years, the United States has entered into more than 400 trade agreements. Last month the GAO issued a report on how well we monitor and enforce them. The answer: not very well.

The American Chamber of Commerce in Japan has just released an analysis of our bilateral trade agreements there. They examined over 50 separate agreements, testing them for effective implementation. Of the ones given a numerical grade, over half flunked the implementation test. That's miserable.

What's the problem? The problem is two-fold. First, everyone wants to negotiate agreements, but nobody wants to implement them. That leads to the second problem: too few monitors.

With respect to the first problem, Mr. President, it is worth remembering that trade policy is carried out by human beings. Like people everywhere, they find that negotiating deals is exciting. Negotiating is high-profile work. What about implementation? Implementing deals is not nearly as exciting as negotiating them. Everyone signs up to negotiate. No one signs up to implement.

With respect to the second problem, the GAO cited a widespread lack of personnel to monitor and enforce trade agreements. They pointed to staffing gaps at in the U.S. Trade Representative's office, the Commerce Department and other agencies. I don't doubt it. President Clinton and Vice President GORE have worked hard and successfully to slim down the federal bureaucracy. So there aren't many extra hands.

I don't think this problem can be solved by hiring more people. In fact, given the number and complexity of modern trade agreements, I doubt that we even could hire enough government workers to do the job right. We've moved far beyond the old-style trade pacts that just covered tariffs, where it is easy to see whether everybody's charging the right rate. Nowadays these agreements cover highly specialized non-tariff issues. We have agreements on technical standards for high-tech electronic products. Agreements covering regulatory procedures, such as approving new drugs. Understanding these agreements takes very specific expertise.

Even though these trade agreements differ widely in scope and in content, they have one feature in common. Their aim is opening markets for American exports. Who is in the best position to monitor whether or not they achieve that purpose? I submit, Mr. President, that the companies who are supposed to benefit from the agreements are in the best position, along with their trade associations.

We have about 1,000 people from the private sector in the advisory committee system. They are all volunteers, working free of charge. They do an excellent job on their first task, advising the government on the negotiating end of trade policy. We should get them working on their second task, monitoring existing trade agreements. And they should do their monitoring out in the open.

Every new trade agreement should be assigned to at least one advisory committee. That committee should be responsible for monitoring compliance with the agreement. That committee should report regularly on implementation. It should recommend specific action when it finds examples of non-compliance. Complicated agreements, such as NAFTA and the Uruguay Round, should be parceled out among several committees.

Prospective members of trade advisory committees should all meet the following test: do they represent an organization willing and able to help monitor compliance with trade agreements? Only those who answer yes should be put on a committee.

Mr. President, let me turn now to the second issue we should examine: public participation.

I come from a state with a strong tradition of open government. A Montanan has the right to attend any meeting that a State official holds. No exceptions. The federal government has a tradition of openness too, especially with respect to advisory committees. Congress made openness a statutory requirement with the Federal Advisory Committee Act (FACA) of 1972. When we passed the Trade Act, we specified openness by requiring that all of these trade advisory committees follow FACA procedures.

We left one exception. Meetings could be closed to the public if they covered matters which would seriously compromise U.S. Government trade negotiations. That's a quote from the law. "Seriously compromise." And only with respect to ongoing active negotiations.

Today there aren't many active trade negotiations underway. So there is not much to be seriously compromised. Nevertheless, too many advisory committees are still closed to interested observers. That's unacceptable. It's illogical. It's illegal.

What are the advisory committees talking about in these meetings? I've heard from people who attend them that almost all of the information discussed is pretty straightforward. Nothing very secret.

People who are barred from the meetings don't know that. They begin to suspect that something's going on in those rooms. Maybe somebody is trying to hide something from them. Closing off these meetings just feeds that feeling of mistrust. It's bad government.

In the past, the Administration used to close all ISAC and IFAC meetings, until they lost a 1996 court challenge. It was a blanket closure policy. In arguing this case before the court, the Trade Representative's office said that Congress agreed with the blanket closure policy, because we never did anything about it.

Let's do something about it. The Constitution gives Congress, not the Executive Branch, authority over international trade. I intend to introduce legislation designed to clear up any confusion about what Congress expects with regard to public participation in ISAC's and IFAC's.

Finally, Mr. President, I have found one other feature of advisory committee that we should change. There is a "consensus" mentality. Some committees feel that they can only give advice if they reach a consensus. They say that this is why committees can't have members who come at issues in different ways. They'll never get consensus. I see nothing wrong with committees sending forward recommendations along with minority viewpoints. We're a democracy. We do this all the time.

I look forward to working with my Senate colleagues and with the trade agencies of the Executive Branch to get the advisory committee system back on track.

Mr. President, I have written to Secretary Daley and Ambassador Barshefsky outlining my thoughts on this issue. I ask unanimous consent that this letter be printed in the RECORD.

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

UNITED STATES SENATE,  
Washington, DC, April 4, 2000.

Hon. WILLIAM M. DALEY,  
Secretary of Commerce, Washington, DC.

Hon. CHARLENE BARSHEFSKY,  
U.S. Trade Representative, Washington, DC.

DEAR SECRETARY DALEY AND AMBASSADOR BARSHEFSKY: Your recent initiative to take a close look at the trade advisory process is right on target. As you know, I am concerned by the resignations by prominent labor leaders and environmentalists from TEPAC and ACTPN, and by the Administration's appeal of the court ruling on NGO participation in ISAC's. It is time to re-examine the process, balancing sometimes conflicting goals.

For example, we seek influential leaders on ACTPN and TEPAC who understand trade policy. It is not always easy to find both qualities in one person. As a result, the ability of ACTPN and TEPAC members to contribute to trade policy formulation varies widely.

The desire for the ISAC's and IFAC's to foster consensus recommendations leads to excluding certain interested parties. I have heard from business groups and NGO's on this point. Moreover, because the advisory

process can be rigid and slow, it is tempting to circumvent the ISAC's or IFAC's, and instead use informal groups of trade advisors.

Let me offer a few ideas for improving the process.

We should give the advisory committees a more active role in monitoring implementation of existing agreements. Their charters include this function, but we don't emphasize compliance monitoring. We should strengthen this function. The private sector can help fill the information gaps which the GAO identified in its recent report on trade agreement compliance.

In addition, we should reexamine committee operating rules, such as procedures for choosing members and the role of the designated federal official. This may entail streamlining the system by reducing the number of standing committees. Finally, we have to clarify the relationship between the 1974 Trade Act and the Federal Advisory Committee Act.

This 26 year-old system is ready for some fresh eyes and for a legislative remedy. I look forward to working with you to improve the process.

Sincerely,

MAX BAUCUS.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 4, 2000, the Federal debt stood at \$5,758,854,640,223.41 (Five trillion, seven hundred fifty-eight billion, eight hundred fifty-four million, six hundred forty thousand, two hundred twenty-three dollars and forty-one cents).

Five years ago, April 4, 1995, the Federal debt stood at \$4,876,207,000,000 (Four trillion, eight hundred seventy-six billion, two hundred seven million).

Ten years ago, April 4, 1990, the Federal debt stood at \$3,092,193,000,000 (Three trillion, ninety-two billion, one hundred ninety-three million).

Fifteen years ago, April 4, 1985, the Federal debt stood at \$1,738,045,000,000 (One trillion, seven hundred thirty-eight billion, forty-five million).

Twenty-five years ago, April 4, 1975, the Federal debt stood at \$505,481,000,000 (Five hundred five billion, four hundred eighty-one million) which reflects a debt increase of more than \$5 trillion—\$5,253,373,640,223.41 (Five trillion, two hundred fifty-three billion, three hundred seventy-three million, six hundred forty thousand, two hundred twenty-three dollars and forty-one cents) during the past 25 years.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO GIL HODGES

• Mr. SCHUMER. Mr. President, I rise today to honor Gil Hodges on his 25 year career in Major League Baseball. Gil Hodges served 18 years as a major league player and 7 years as a manager, during which he distinguished himself through exceptional performance, success, professionalism and personal achievement.

At the conclusion of his playing career in 1962, Gil Hodges was the leading