

Third, I strongly believe the United States must not oppose parallel importing and compulsory licensing by African Governments, to lower the price of patented medications so that HIV/AIDS drugs are more affordable and more people in Africa will have access to them. That is what the amendment that Senator FEINGOLD and I offered would do.

Through parallel importing, patented pharmaceuticals could be purchased from the cheapest source, rather than from the manufacturer. Under compulsory licensing, an African Government could order a local firm to produce a drug and pay a negotiated royalty to the patent holder. Both parallel imports and compulsory licensing are permitted under the World Trade Organization agreement for countries facing health emergencies. This is a health emergency. Without compulsory licensing and parallel importing, which would allow access to cheaper generic drugs, more people in sub-Saharan Africa will suffer and die needlessly.

For my colleagues who may be concerned that this amendment may undermine wider intellectual property rights, an accusation that those opposed to this amendment—and let me be frank, the pharmaceutical industry—is making, they are incorrect. This amendment reaffirms the World Trade Organization's TRIPS agreements which is the legal standard for intellectual property rights. TRIPS does not prohibit parallel importing and compulsory licensing during health emergencies. That is fully consistent with current U.S. policy on intellectual property rights. In other words, despite what some pharmaceutical companies have been saying behind closed doors about this amendment, the amendment does not weaken intellectual property rights protection one iota. It keeps the bar exactly where it is now.

The World Trade Organization and U.S. commitments on intellectual property protection allows countries flexibility in addressing public health concerns. The compulsory licensing process under this amendment is fully consistent with the WTO's approach to balancing the protection of intellectual property, with a moral obligation to meet public health emergencies such as the HIV/AIDS pandemic in Africa. In other words, this amendment is consistent with international trade law.

The amendment does not create new policy or a new approach on intellectual property rights under TRIPS, nor does it require intellectual property rights to be rolled back or weakened. All it asks is that in approaching HIV/AIDS in Africa, U.S. policy on compulsory licensing and parallel importing remain consistent with what is accepted under international trade law. By doing so, the amendment will allow countries of sub-Saharan Africa to continue to determine the availability of HIV/AIDS pharmaceuticals in their countries and provide their people with affordable HIV drugs.

By itself, the amendment is not going to solve the problems of AIDS in Africa. Opponents of the amendment suggest that because it doesn't address the entire HIV/AIDS problem, it should be removed from the bill. They argue that because the health care infrastructure is weak, allowing parallel importing and compulsory licensing will not get the drugs to the people who need them.

That misses the point. Although it is true we need to strengthen infrastructure, and my amendment contains language urging additional efforts in this area, that was never the purpose or intent of the amendment. Its purpose and intent was to address this one specific issue, this one small piece of the puzzle, and in so doing, provide some measure of relief to the millions and millions of people now suffering from AIDS in sub-Saharan Africa.

Let me provide one example of why the approach adopted by this amendment, admittedly one small part of a larger effort, is necessary. On March 14 of this year, Doctors Without Borders, the medical relief group that won the Nobel Prize last year, sent a letter to Pfizer calling on Pfizer to lower the price of fluconazole, a drug needed to treat cryptococcal meningitis, the most common systematic functional infection in HIV-positive people in developing countries. As the Doctors Without Borders letter notes, in Thailand, fluconazole is available for just \$1.20 for a daily dose. Yet in Kenya and South Africa, the daily dose costs \$17.84. It is 15 times higher in Africa than in Thailand. That is unconscionable. So, what accounts for the difference? In Thailand, a generic version is available. In Kenya and South Africa, the only supplier is Pfizer.

As Bernard Pecoul, director of Doctors Without Borders Access to Essential Medicines Campaigns, has noted:

People are dying because the price of the drug that can save them is too high.

As the March 14 Doctors Without Borders letter notes:

While we appreciate that patents can be an important motor of research and development funding, there must be a balance to ensure that people in developing countries have access to lifesaving medicines.

That is the purpose of my amendment, and I am deadly serious about it.

I am pleased to note that, under pressure from Doctors Without Borders, Pfizer has now agreed to lower the prices of fluconazole. This situation never should have existed to begin with. Ironically, the pharmaceutical companies would profit more from this amendment than they do right now. Presently, most sub-Saharan African countries are not buying these drugs because they can't afford the price tag. So the pharmaceutical companies are not earning any money at all on these drugs. But if sub-Saharan African countries produced HIV/AIDS drugs through compulsory licensing or purchased them through parallel importing, the pharmaceutical companies

holding the patents on these drugs would receive royalties.

I was very pleased to work with the managers of this bill, when the African Growth and Opportunity Act was on the floor of the Senate last November, to modify my amendments to meet some of their concerns and to have their support in seeing it included in the final Senate-passed version of this bill.

I have been happy to work with them. My staff has worked with their staff over the past several months to try to meet some additional concerns which have subsequently been voiced. But, frankly, my patience is wearing very thin. The pharmaceutical companies that are opposed to this amendment, opposed because they want to squeeze every last drop of profit from the suffering of the millions of HIV/AIDS victims in sub-Saharan Africa. They have shown no willingness to compromise, no willingness to enter into good-faith negotiations.

I am more than willing to see additional clarifying language added to this amendment in conference. I believe strongly that the core of the amendment must remain and that efforts to either remove this amendment or to gut it are both inexplicable and reprehensible, and I am determined not to let this happen.

It is clearly in the interests of the United States to prevent the further spread of HIV/AIDS in Africa. I believe my amendment is a necessary part to the Africa Growth and Opportunity Act if we are to continue to assist the countries of this region in halting the number of premature deaths from AIDS.

Antiretroviral drugs can work to improve the quality and length of life. The United States has the power to make these lifesaving drugs more affordable and more accessible to Africans. We should not turn our backs, and the greed of the pharmaceutical industry should not stop us.

I am absolutely determined that if a conference report comes to this floor without this amendment, Senator FEINGOLD and I, and I hope others, will join together and filibuster this report.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me say to the Senator from California I really appreciate her work. I not only heard what she said but I feel what she said and I would like to be counted as a supporter. If she needs to do the filibuster, I know how to do that. I will be out here with her.

Mrs. FEINSTEIN. I thank my colleague. We will count on him.

NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Mr. WELLSTONE. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 300, introduced earlier today by myself.

PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 300) designating the week of April 23–30, 2000, as “National Shaken Baby Syndrome Awareness Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. WELLSTONE. Mr. President, I rise today to introduce a resolution that I will soon send to the desk to proclaim April 23–30, 2000, as “Shaken Baby Syndrome Awareness Week”, and to recognize the many groups, particularly the Shaken Baby Alliance, who support this effort to increase awareness of one of the most unspeakable forms of child abuse, one that results in the death or lifelong disability of thousands of children each year.

For the past twenty years, the current President of the United States has designated one month each year as National Child Abuse Prevention Month to increase awareness of the devastating harm done to our children by abuse and neglect. This year, April, 2000, is National Child Abuse Prevention Month, and it began with the release of a national survey conducted by the group, Prevent Child Abuse America. The survey showed that more than 50% of all Americans believe child abuse and neglect is the most important public health issue facing this country. The survey also showed that a vast majority of Americans—83 percent—believe that child abuse prevention efforts can be most successful before such behavior has begun, rather than waiting until the abuse has occurred. These results point to the need to recognize child abuse and neglect as the public health problem it is, one that is linked with a host of other problems facing our country, including poverty and drug and alcohol addiction, and one that needs the comprehensive approach of our entire public health system to solve.

The need for this widespread and high level concern is well-documented. The most recent government figures show that over 1 million children were victims of abuse in 1997. Each day, three of these children die as a result of this abuse. The U.S. Advisory Board on Child Abuse and Neglect reported in “A Nation’s Shame: Fatal Child Abuse and Neglect in the United States,” that a more realistic estimate of annual child deaths as a result of abuse and neglect, both known and unknown to Child Protective Service agencies, is closer to 2,000, or approximately five children per day. The rate of child fatalities caused by abuse has risen by 37 percent between 1985 and 1997, with children aged 3 and younger accounting for 77 percent of these fatalities. Because of the problems of under-reporting and errors in diagnoses, the National Center for Prosecution of Child Abuse believes that the number of child deaths from maltreatment per year may be as high as 5,000. In most cases, the child’s death is the result of

head trauma, including the trauma known as Shaken Baby Syndrome (SBS).

Shaken Baby Syndrome results from a caregiver losing control and shaking a baby, usually an infant who is less than 1 year old. This severe shaking can kill the baby, or it can cause loss of vision, brain damage, paralysis, and seizures, resulting in lifelong disabilities. This totally preventable form of child abuse causes untold grief for many families whose child dies, or is left with permanent, irreparable brain damage. The care for the child’s resulting disability is estimated at more than \$1 million in medical costs during just the first few years of the baby’s life.

The most effective solution to ending Shaken Baby Syndrome is to prevent such abuse, and it is clear that the minimal costs of educational and prevention programs may help to protect our young children and stop this tragedy from occurring. In 1995, the U.S. Advisory Board on Child Abuse and Neglect recommended a universal approach to the prevention of child fatalities that would reach out to all families through the implementation of several key strategies. Such efforts began by providing services such as home visitation by trained professionals or paraprofessionals, hospital-linked outreach to parents of infants and toddlers, community-based programs designed for the specific needs of neighborhoods, and effective public education campaigns.

Child abuse prevention programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome and other forms of abuse to parents, caregivers, day care workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives. Many prevention programs now include not only information about the dangers of shaking babies and how to cope with crying, but also address issues of anger management, stress reduction, appropriate expectations of children, and specific information on why shaking or impact can interrupt early brain development. Education programs for judges and others in the judicial system are also beneficial for SBS criminal cases. Ultimately, the education of all will help us reach a critical goal of zero tolerance toward shaking, a goal that will help to save children’s lives.

The prevention of Shaken Baby Syndrome is supported by groups such as the Shaken Baby Alliance, an organization which began with 3 mothers of children who had been diagnosed with Shaken Baby Syndrome, and whose mission is to educate the general public and professionals about Shaken Baby Syndrome, and to increase support for victims and victim families in the health care and criminal justice systems. In my own state of Minnesota, the Shaken Baby Alliance is represented by the outstanding efforts

of Kim Kang, whose daughter Rachel was diagnosed in 1995 with Shaken Baby Syndrome, after being violently shaken by a day care provider. My heart goes out to her family, and to all of the families who deal with the results of Shaken Baby Syndrome and all other forms of child abuse and neglect. Child abuse and neglect is a scourge on our country, and we must do more to prevent the damage done to our children, our families, and our society as a result of child abuse, and to help those who suffer its consequences.

Shaken Baby Syndrome Awareness Week is supported by the Shaken Baby Alliance, Children’s Defense Fund, American Academy of Pediatrics, Child Welfare League of America, Prevent Child Abuse America, Brain Injury Association, National Child Abuse Coalition, National Exchange Club Foundation, and many other organizations including the National Basketball Association, which is sponsoring a series of “NBA Child Abuse Prevention Awareness Nights 2000” events to generate public awareness about the issue of child abuse and neglect during National Child Abuse Prevention Month 2000.

I urge the Senate to adopt this resolution designating the week of April 23–30, 2000, as “Shaken Baby Syndrome Awareness Week”, and to take part in the many local and national activities and events recognizing the month of April as National Child Abuse Prevention Month.

This resolution has the support of a number of organizations: Shaken Baby Alliance, Children’s Defense Fund, American Academy of Pediatrics, Child Welfare League of America, Prevent Child Abuse America, Brain Injury Association, National Child Abuse Coalition, National Exchange Club Foundation Child Abuse Prevention Program, and many other organizations, including the National Basketball Association, which is sponsoring a series of NBA Child Abuse Prevention Awareness Nights 2000 to generate public awareness of this.

I will not read the whole resolution, but I do want to just quickly summarize this. With this designation, we are designating this week, April 23 to 30, 2000, as National Shaken Baby Awareness Week. I do just want to read a few whereas clauses, which are chilling.

Whereas head trauma is the leading cause of death of abused children, including the trauma known as Shaken Baby Syndrome;

Whereas Shaken Baby Syndrome, which results from the care-giver losing control and shaking a baby usually less than 1 year of age, and can cause loss of vision, brain damage, paralysis, seizures, or death, is a totally preventable form of child abuse;

Whereas an estimated 3,000 children are diagnosed with Shaken Baby Syndrome every year, with thousands more misdiagnosed and undetected;

Whereas the most effective solution to ending Shaken Baby Syndrome is to prevent such abuse—what we are doing is we are designating this week:

Resolved. That the Senate designates the week of April 23–30 as National Shaken Baby Syndrome Awareness Week.

Mr. President, I wish I did not have to introduce this resolution. I thank my colleagues for supporting it, but I think all the organizations that are working on this are doing extremely important work. It is hard to believe this happens to infants. It is hard to believe this happens to small children. I certainly cannot say on the floor of the Senate that agreeing to a resolution, ipso facto, ends this practice. But our agreeing to this resolution means a lot to people who have experienced this horror and to people who care deeply about this issue.

I thank colleagues.

Mr. President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 300) was agreed to. The preamble were agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 300

Whereas the month of April has been designated National Child Abuse Prevention Month, an annual tradition initiated by former President Jimmy Carter in 1979;

Whereas the most recent government figures show that over 1,000,000 children were victims of abuse and neglect in 1997, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, more than 3 children die each day in this country;

Whereas the rate of child fatalities has risen by 37 percent between 1985 and 1997, with children aged 3 and younger accounting for 77 percent of the fatalities;

Whereas head trauma is the leading cause of death of abused children, including the trauma known as Shaken Baby Syndrome;

Whereas Shaken Baby Syndrome, which results from a caregiver losing control and shaking a baby usually less than 1 year of age, and can cause loss of vision, brain damage, paralysis, seizures, or death, is a totally preventable form of child abuse;

Whereas an estimated 3,000 children are diagnosed with Shaken Baby Syndrome every year, with thousands more misdiagnosed and undetected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant, and more than \$1,000,000 in medical costs in just the first few years of life to care for a single, disabled child;

Whereas the most effective solution to ending Shaken Baby Syndrome is to prevent such abuse, and it is clear that the minimal costs of educational and prevention programs may prevent the enormous medical and disability costs and untold grief for many families;

Whereas prevention programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, day-care workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas prevention of Shaken Baby Syndrome is supported by groups such as the Shaken Baby Alliance, an organization which began with 3 mothers of children who had been diagnosed with Shaken Baby Syn-

drome, and whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and victim families in the health care and criminal justice systems;

Whereas child abuse prevention programs and "National Shaken Baby Syndrome Awareness Week" are supported by the Shaken Baby Alliance, Children's Defense Fund, American Academy of Pediatrics, Child Welfare League of America, Prevent Child Abuse America, Brain Injury Association, National Child Abuse Coalition, National Exchange Club Foundation, and many other organizations including the National Basketball Association which is sponsoring a series of "NBA Child Abuse Prevention Awareness Night 2000" events to generate public awareness about the issue of child abuse and neglect during National Child Abuse Prevention Month 2000;

Whereas a year 2000 survey by Prevent Child Abuse America shows that ½ of all Americans believe child abuse and neglect is the most important issue facing this country compared to other public health issues; and

Whereas Congress strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate designates the week of April 23–30, 2000, as "National Shaken Baby Syndrome Awareness Week".

DESIGNATING "DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS"

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 90, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 90) designating the 30th day of April of 2000 as "Dia de los Ninos: Celebrating Young Americans."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, any statements there to be printed in the RECORD.

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

The resolution (S. Res. 90) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 90

Whereas many of the nations throughout the world, and especially within the Western hemisphere, celebrate "Dia de los Ninos" on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the citizens of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Latinos in the United States, the youngest and fastest growing ethnic commu-

nity in the nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the nation;

Whereas one in four Americans is projected to be of Hispanic descent by the year 2050, and there are now 10.5 million Latino children;

Whereas traditional Latino family life centers largely on its children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition of children of the United States will provide an opportunity to children to reflect on their future, to articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Dia de los Ninos: Celebrating Young Americans"—a day to bring together Latinos and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its citizens, and citizens should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate designates the 30th of April of 2000, as "Dia de los Ninos: Celebrating Young Americans" and requests that the President issue a proclamation calling on the people of the United States to join with all children, families, organizations, communities, churches, cities, and states across the nation to observe the day with appropriate ceremonies, beginning April 30, 2000, that include:

(1) activities that center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our citizens;

(2) activities that are positive, uplifting, and that help children express their hopes and dreams;

(3) activities that provide opportunities for children of all backgrounds to learn about one another's cultures and share ideas;

(4) activities that include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(5) activities that provide opportunities for families within a community to get acquainted; and

(6) activities that provide children with the support they need to develop skills and confidence, and find the inner strength—the will and fire of the human spirit—to make their dreams come true.