our Federal laws so that eligibility for health insurance occurs simply as a result of being a citizen or a legal resident. We should fold existing programs—Medicare, Medicaid, VA benefits, FEHBP, and the income tax deduction—into a single system. And we should subsidize the purchase of health insurance only for those who need assistance. Enacting a Federal law that guarantees health insurance does not mean we should have socialized medicine. Personally, I favor using the private markets as much as possible—although there will be situations in which only the government can provide health care efficiently.

One final suggestion. With budget projections showing that total Federal spending will fall to 15.6% of GDP by 2010, I urge my colleague to consider setting a goal of putting aside a portion of the surpluses—perhaps an amount equivalent to one-half to one percent of GDP—for additional discretionary investments. Investments that will improve the lives of our children both in the near future and over the long term—investments in education, research and development, and science and technology.

Mr. President, I yield the floor.

U.S. STRATEGIC INTERESTS IN ASIA

Mr. BIDEN. Mr. President, following the recent G–8 meeting in Okinawa and as we move closer to a vote on Permanent Normal Trading Relations with China, I want to briefly remind my colleagues of the importance of having a regional strategy for Asia.

There is a tendency to look at the Korean situation, the relationship between Taiwan and China, our presence in Japan, our presence in Guam, the situation in Indonesia, and so on as independent problems. Or, to just react to one situation at a time, with no overall understanding of how important the regional links and interests that exist are in shaping the outcome of our actions.

If we want to play a role in creating more stable allies in South Korea and Japan, and in ensuring that an ever-changing China is also a non-threatening China, then we must recognize that any action we take in one part of the region will have an impact on perceptions and reality throughout the region.

I do not intend to give a lengthy speech on this right now, instead I just want to draw my colleagues attention to an excellent letter that I received from General Jones, Commandant of the United States Marine Corps. He wrote to discuss just this need for a regional and a long-term perspective as we evaluate our presence in Okinawa.

I agree with him that we cannot shape events in the Asia-Pacific region if we are not physically present.

So, as we engage in debate over what the proper placement and numbers for that presence are, I urge my colleagues to approach that debate and the debate on China's trade status with an awareness of the interests of the regional powers and an awareness of our national security interests both today and in the future.

I ask unanimous consent that the letter from General Jones be printed in the RECORD following this statement.

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

July 21, 2000.

Hon. JOSEPH R. BIDEN, Jr.,
Ranking, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN, As the G–8 Summit approaches, the eyes of the world have turned to the Pacific island of Okinawa. Opponents of U.S. military presence there may seize the opportunity to promote their cause. I am well acquainted with the island, having visited it frequently, and wish to convey to you my sincere belief in its absolute importance to the long-term security of our nation.

Okinawa is strategically located. The American military personnel and assets maintained there are key to preservation of the stability of the Asia-Pacific region and to fulfillment of the U.S.-Japan bilateral security treaty. Okinawa's central location between the East China Sea and Pacific Ocean, astride major trade routes, and close to areas of vital economic, political, and military interest make it an ideal forward base. From it, U.S. forces can favorably shape the environment and respond, when necessary, to contingencies spanning the entire operational continuum—from disaster relief, to peacekeeping, to war—in a matter of hours, vice days or weeks.

We have long endeavored to minimize the impact of our presence. Working hand in hand with our Okinawan hosts and neighbors, we have made significant progress. In 1996, an agreement was reached for the substantial reduction, consolidation, and realignment of U.S. military bases in Okinawa. Movement toward full implementation of the actions mandated by the Special Action Committee on Okinawa Final Report continues and the commitment to reduce the impact of our presence is unabated.

Recent instances of misconduct by a few American service members have galvanized long simmering opposition to our presence. While those incidents are deplorable, they are fortunately uncommon and do not reflect the full nature of our presence.

Often lost in discussions of our presence on Okinawa, are the positive aspects of that presence. We are good neighbors: our personnel are actively involved in an impressive variety of community service work, we are the island's second largest employer of civilians, we infuse over $1.4 billion dollars into the local economy annually, and most importantly, we are sincerely grateful for the important contributions to attainment of our mission made by the people of Okinawa. We are mindful of our obligation to them.

It is worth remembering that U.S. presence in Okinawa came at great cost. Battle raged on the island for three months in the waning days of World War II and was finally won through the valor, resolve, and sacrifice by what is now known as our greatest generation. Our losses were heavy: twelve thousand killed and thirty-five thousand wounded. Casualties for the Japanese and for Okinawan civilians were even greater. The price for Okinawa was indeed high. Its capture in 1945, however, contributed to the quick resolution of the Pacific War and our presence there in the following half a century has immeasurably contributed to the protection of U.S., Japanese, and regional interests.

As you well know, challenges to military basing and training are now routine and suitable alternatives to existing sites are sorely limited. Okinawa, in fact, is invaluable. We fully understand the legitimate concerns of the Okinawan people and we will continue to work closely with them to forge mutually satisfactory solutions to the issues that we face. We are now, and will continue to be, good neighbors and custodians for peace in the region.

Very Respectfully,

JAMES L. JONES,
General, Commandant of the Marine Corps.

THE INNOCENCE PROTECTION ACT OF 2000

Mr. LEAHY. Mr. President, at the beginning of this year, I spoke to the Senate about the breakdown in the administration of capital punishment across the country and suggested some solutions. I noted then that for every 7 people executed, 1 death row inmate has been shown some time after conviction to be innocent of the crime.

Since then, many more fundamental problems have come to light. More court-appointed defense lawyers who have slept through trials in which their client has been convicted and sentenced to death; more cases—43 of the last 131 executions in Texas according to an investigation by the Chicago Tribune—in which lawyers who were disbarred, suspended or otherwise being disciplined for ethical violations have been appointed to represent people on trial for their lives; cases in which prosecutors have called for the death penalty based on the race of the victim; and cases in which potentially dispositive evidence has been destroyed or withheld from death row inmates for years.

We have also heard from the National Committee to Prevent Wrongful Executions, a blue-ribbon panel comprised of supporters and opponents of the death penalty, Democrats and Republicans, including six former State and Federal judges, a former U.S. Attorney, two former State Attorneys General, and a former Director of the FBI. That diverse group of experts has expressed itself to be ''united in [its] profound concern that, in recent years, and around the country, procedural safeguards and other assurances of fundamental fairness in the administration of capital punishment have been significantly diminished.''

I have been working with prosecutors, judges and defense counsel, with death penalty supporters and opponents, and with Democrats and Republicans, to craft some basic commonsense reforms. I could not be more pleased that Senators GORDON SMITH, SUSAN COLLINS, JIM JEFFORDS, CARL LEVIN, RUSS FEINGOLD, and others here in the Senate, and Representatives RAY LAHOOD, WILLIAM DELAHUNT, and over 60 other members of both parties in the House have joined me in sponsoring the Innocence Protection Act of 2000.

The two most basic provisions of our bill would encourage the State to at

least make DNA testing available in the kind of case in which it can determine guilt or innocence and at least provide basic minimum standards for defense counsel so that capital trials have a chance of determining guilt or innocence by means of the adversarial testing of evidence that should be the hallmark of American criminal justice.

Our bill will not free the system of all human error, but it will do much to eliminate errors caused by the willful blindness to the truth that our capital punishment system has exhibited all too often. That is the least we should demand of a justice system that puts people's lives at stake.

I have been greatly heartened by the response of experts in criminal justice across the political spectrum to our careful work, and I would like to just highlight one example. A distinguished member of the Federal judiciary, Second Circuit Judge Jon O. Newman, has suggested that America's death penalty laws could be improved by requiring the trial judge to certify that guilt is certain. I welcome Judge Newman's thoughtful commentary, and I ask unanimous consent that his article, which appeared in the June 25th edition of the Harford Courant, be printed in the RECORD.

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

(See Exhibit 1.)

Mr. LEAHY. It is my hope that the national debate on the death penalty will continue, and that people of good conscience—both those who support the death penalty and those who oppose it—will join in our effort to make the system more fair and so reduce the risk that innocent people may be executed.

EXHIBIT 1

[From the Harford Courant, June 25, 2000]

REQUIRE CERTAINTY BEFORE EXECUTING

(By Jon O. Newman)

The execution of Gary Graham demonstrates the need to make one simple change in America's death penalty laws: a requirement that no death sentence can be imposed unless the trial judge certifies that the evidence establishes the defendant's guilt to a certainty.

Under current law, a death sentence requires first a jury's finding of guilt of a capital crime and then a jury's selection of the death penalty. In deciding both guilt and the death penalty, the jury must be persuaded beyond a reasonable doubt. That is a high standard, but it is not as high as a requirement that the trial judge certify that guilt is certain.

Experience has shown that in some cases juries have been persuaded beyond a reasonable doubt to convict and vote the death penalty even though the defendant is innocent. The most common reason is that one or more eyewitnesses said they saw the defendant commit the crime, but it later turned out that they were mistaken, as eyewitnesses sometimes are.

But when even one eyewitness testifies that the defendant did it, that is sufficient evidence for a jury to find guilt beyond a reasonable doubt, and neither the trial judge nor the appellate judges can reject the jury's guilty verdict even though they have some doubt whether the eyewitness is correct.

Our system uses the standard of proof beyond a reasonable doubt, rather than certainty, to determine guilt and thereby accepts the risk that in rare cases a guilty verdict might be rendered against an innocent person. Procedures are available for presenting new and sometimes conclusive evidence of innocence at a later time.

But with the death penalty, such exonerating evidence sometimes comes too late. Every effort should therefore be made to assure that the risk of executing an innocent person is reduced as low as humanly possible.

Requiring the trial judge to certify that guilt has been proven to a certainty before a death penalty can be imposed would limit the death penalty to cases where innocence is not realistically imaginable, leaving life imprisonment for those whose guilt is beyond a reasonable doubt but not certain.

Certification of certainty might be withheld, for example, in cases like Gary Graham's, where the eyewitness had only a fleeting opportunity to see an assailant whom the witness did not previously know, or in cases where the principal accusing witness has previously lied or has a powerful incentive to lie to gain leniency for himself.

On the other hand, certification would be warranted where untainted DNA, fingerprint or other forensic evidence indisputably proved guilt or where the suspect was caught in the commission of the crime.

In state courts (unlike Connecticut's) where judges are elected and sometimes succumb to public pressure to impose death sentences, certification of certainty might be entrusted to a permanent expert panel or might be made a required part of the commutation decision of a governor or a pardons board. In federal courts, the task could appropriately be given to appointed trial judges.

Even certification of certainty of guilt will not eliminate all risk of executing an innocent person. But as long as the death penalty is used this is a safeguard that a civilized society should require. Adding it to the innocence protection bill now being considered in Congress would help that act live up to its name.

H1–VISAS

Mr. LEAHY. Mr. President, I rise today to comment briefly on the issue of H1–B visas. Like most if not all Democrats, I believe that the number of H1–B visas—which are used by foreign workers wishing to work in the United States—should be increased.

I also believe that we should address other immigration priorities. First, we should ensure that we treat all people who fled tyranny in Central America equally, regardless of whether the tyrannical regime they fled was a left-wing or a right-wing government. Congress has already acted to protect Nicaraguans and Cubans, as well it should. It is now time to apply the same protections to Guatemalans, Salvadorans, Hondurans, and also Haitians.

Second, we should prevent people on the verge of gaining legal permanent resident status from being forced to leave their jobs and their families for lengthy periods in order to complete the process. U.S. law allowed such immigrants to remain in the country until 1997, when Congress failed to renew the provision. It is now time to correct that error.

Third, we should allow people who have lived and worked here for 14 years or more, contributing to the American economy, to adjust their immigration status. This principle has been a part of American immigration law since the 1920s and should be updated now for the first time since 1986.

Vice President GORE shares these priorities, as reflected in a letter he wrote on July 26 to Congresswoman LUCILLE ROYBAL-ALLARD. In this letter, he endorses an increase in the number of H1–B visas and each of the three proposals I have outlined briefly here today. The Vice President's position on this issue is the right position, and it is the compassionate position. I urge the Senate to take up S. 2912, the Latino and Immigrant Fairness Act—a bill that would accomplish each of the three immigration goals I have just discussed—and pass it without further delay.

I ask unanimous consent that the letter be printed in the RECORD.

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

THE VICE PRESIDENT,
Washington, July 26, 2000.

Hon. LUCILLE ROYBAL-ALLARD,
Member of Congress,
Washington, DC.

DEAR LUCILLE: As Congress concludes this work period, with few legislative days left this session, I want to communicate my continued support for legislation addressing fairness for legal immigrants.

America's economic prosperity stems in large part from the hard work of American workers and the innovation offered by American firms. As a result of the longest period of economic growth in our history, it is not surprising that we have achieved record low levels of unemployment. This positive employment picture is especially true among highly skilled and highly educated workers. In some sectors of the economy, it appears there may be genuine shortages of highly skilled workers necessary to sustain our economic growth. As a result, our Administration has offered a series of proposals aimed at dramatic improvements in the education and training of American workers. These proposals ought to be enacted by the Congress to assure that any gap between worker skills and employer needs is addressed comprehensively.

I recognize that periodically American industry requires access to the international labor market to maintain and enhance our global competitiveness, particularly in high-growth new technology industries and tight labor markets. For these reasons, I support legislation to make reasonable and temporary increases to the H–1B visa cap to address industry's immediate need for high-skilled workers. However, this increase must also include significant labor protections for American workers and a significant increase in H–1B application fees to fund programs to prepare American workers—especially those from under-represented groups—to fill these and future jobs.

In addition, I support measures that provide fairness and equity for certain immigrants already in the United States. Therefore, as Congress considers allowing more foreign temporary workers into this country to meet employers' needs, I urge Congress to correct two injustices currently affecting many immigrants already in our nation. I want to urge Members to pass two important immigration proposals that have long been