STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, and Mr. KERRY):

S. 3100. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

CHILDREN'S ACT FOR RESPONSIBLE EMPLOYMENT

Mr. HARKIN. Mr. President, I am pleased today to introduce legislation to update and bring America's child labor laws into the 21st century. This much-needed bill is titled the Children's Act for Responsible Employment of 2000 (The CARE Act of 2000).

As many of you know, I have been working to eradicate child labor overseas since 1992. At that time, I introduced the Child Labor Deterrence Act, which prohibits the importation of products made by abusive and exploitative child labor. Since then, we have made significant progress.

Let me cite just three examples.

In Bangladesh in 1995, a precedent-setting memorandum of understanding was signed between the garment industry and the International Labor Organization, which has resulted in 9,000 children being moved from factories and into schools. In Pakistan two years later, another memorandum of understanding was signed to the benefit of hundreds of children sewing soccer balls and to the benefit of their families.

In May of this year, it was a pleasure to go to the White House to witness President Clinton signing into law new provisions I authored to flatly prohibit the importing into the U.S. of any products made by forced or indentured child labor and to deny duty-free trade benefits to any country that is not meeting its legal obligations to eliminate the worst forms of child labor.

It is important to understand that when the growth of a child is stopped, so is the growth of a nation. In keeping with our nation's commitment to human rights, democracy, and economic justice, the United States must continue to lead the struggle against the scourge of exploitative child labor wherever it occurs. But to have the credibility and moral authority to lead this global effort, we must be certain that we are doing all we can to eradicate exploitative child labor here at home.

Sadly, this is not the case as I stand here before you today. This is why I am sponsoring this new legislation to crack down on exploitative child labor in America. I am also heartened by the fact that the Clinton administration and the Child Labor Coalition made up of more than 50 organizations all across our country endorse prompt enactment of this bill.

Consider the plight of child labor in just one sector of the American economy—large-scale commercial agriculture.

Just three months ago in June, Mr. President, an alarming report entitled ''Fingers to the Bone'' was released by Human Rights Watch. It is a deeply troubling indictment of America's failure to protect child farmworkers who pick our fruits and vegetables every day. As many as 800,000 children in the U.S. work on large-scale commercial farms, corporate farms if you will, often under very hazardous conditions that expose them to pesticide poisoning, heat illness, serious injuries, and lifelong disabilities. The sad truth is that despite very difficult and dangerous working conditions, current federal law allows children as young children to take jobs on corporate farms at a younger age, for longer hours, and under more hazardous conditions than children in nonagricultural lines of work.

We must end this disgraceful double standard.

Furthermore, the Fair Labor Standards Act (FLSA), first enacted in 1938, allows children as young as 10 years old to work in the fields of America's corporate farms. In nonagricultural lines of work, children generally must be at least 14 years of age and are limited to three hours of work a day while school is in session. Truth be told, even those laws are inadequately enforced by the U.S. Labor Department where young farmworkers are concerned. The FLSA simply must be revised and improved to protect the health, safety, and education of all children in America.

I also want to call to the attention of my colleagues a five-part Associated Press series on child labor in the United States that was published in 1997. It dramatically unmasks the shame of exploitative child labor in our midst. For example, it graphically portrays the exploitation and desperation of 4-year-olds picking chili peppers in New Mexico and 10-year-olds harvesting cucumbers in Ohio. It documents how 14-year-old Alexis Jaimes was crushed to death, while working on a construction site in Texas when a 5,000 pound hammer fell on him.

This is outrageous and intolerable. Children should be learning, not risking their health and forfeiting their future in sweatshops. Children should be acquiring computer skills so we don't have to keep importing every-increasing numbers of H–1B visa workers from abroad, as we are being pressured to support now, and not slaving in the fields or street peddling and being short-changed on a solid education. At bottom, children should be afforded their childhood, not treated like chattel or disposable commodities. Not just here in the United States, but in every country in the world.

But we cannot expect to curb exploitative child labor overseas unless America leads by example, cracking down on exploitative child labor in our own backyard.

There is no national database on children working in America or the injuries they incur. But there is mounting evidence to suggest there is a growing problem with exploitative child labor in America, as underscored by the recently released Human Rights Watch study delivered to all of our offices and an excellent series of investigative reports from the General Accounting Office (GAO) and the National Institute of Occupational Safety and Health (NIOSH).

At least 800,000 children are working in the fields of large-scale commercial agriculture in the U.S.

The FLSA's bias against farmworker children amounts to de facto race-based discrimination because an estimated 85 percent of migrant and seasonal farmworkers nationwide are racial minorities.

In some regions, including Arizona, approximately 99 percent of farmworkers are Latino.

Only 55 percent of the child laborers toiling in the fields will ever graduate from high school.

Existing EPA regulations and guidelines offer no more protection from pesticide poisoning for child laborers than they do for adult farmworkers.

Every 5 days, a child dies from a work-related accident.

Mr. President, one of the great U.S. Senators of the 20th century, Hubert Humphrey, used to remind all of us that the greatness of any society should be measured by how it treats people at the dawn and twilight of life. By that measure, we clearly need to do better by America's children.

There is no good reason why children working in large-scale commercial agriculture are legally permitted to work at younger ages, in more hazardous occupations, and for longer periods of time than their peers in other industries. As GAO investigators have noted, a 13-year-old is not allowed under current law to perform clerical work in an air-conditioned office, but the same 13-year-old may be employed to pick strawberries in a field in the heat of summer.

And so I offer this legislation in order that we fight exploitative child labor here at home with the same resolve that we confront it in the global economy. This legislation will toughen civil and criminal penalties for willful child labor violators, afford minors working in large-scale commercial agriculture the same rights and protection as those working in nonagricultural jobs, prohibit children under 16 from working in peddling or door-to-door sales, strengthen the authority of the U.S. Secretary of Labor to deal with ''hot goods'' made by child labor in interstate commerce, and improve enforcement of our nation's child labor laws.

But it is not my purpose to prevent children from working under any circumstances in America. My focus is on preventing exploitation. Accordingly, this bill also preserves exemptions for children working on family farms as well as selling door-to-door as volunteers for nonprofit organizations like the Girl Scouts of America.

In conclusion, I want to remind my colleagues that a child laborer has little chance to get a solid education because he or she spend his or her days at work with little regard for that child's safety and future. But it becomes clearer every day that in order for an individual or a nation to be competitive in the high-tech, globalized economy of the 21st century, a premium must be placed upon educating all children. We can't afford to leave any of our children behind.

At the bottom, this is why I am sponsoring this legislation to strengthen our child labor laws here at the home and effectively deter and punish those who exploit our children in the workplace. It is time to bring our nation's child labor laws into modern times, so that we can prepare for the future.

It is totally unacceptable to me that upon entering the 21st century, the commercial exploitation of children in the workplace continues in our midst—largely out of sight and out of mind to most Americans.

It is time to give all of the children in the U.S. and around the world the chance at a real childhood and extend to them the education necessary to competing in tomorrow's high-road workplace.

Mr. ASHCROFT (for himself and Mr. SESSIONS):

S. 3101. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States; to the Committee on Finance.

RESERVISTS TAX RELIEF ACT OF 2000

Mr. ASHCROFT. Mr. President, for the past fourteen years, the men and women serving selflessly in the Reserve components of our Armed Forces, which includes the National Guard and federal Reserve, have been denied a sensible, fair, and morally right tax deduction. Today, I am introducing a bill that will correct this tax injustice.

The Reservist Tax Relief Act of 2000 will allow Reservist and National Guardsmen and women, who are our nation's purest citizen-soldiers, to deduct travel expenses as a business expense, when they travel in connection with military service. It is my hope that my colleagues will join me in quickly passing this legislation before the end of the 106th Congress.

With the dramatic downsizing of the U.S. military over the past decade, the Reserve component has become an increasingly valuable aspect of our national defense. Traditionally geared to provide trained units and individuals to augment the Active components in time of war or national emergency, the Reserve component's role and responsibility has rapidly increased throughout the 1990s. During the Cold War, the Reserve component was rarely mobilized due to the robust nature of the Active Duty forces, however, with the 1/3 cut in Active Duty forces since 1990 there have been five presidential mobilizations of the Guard and Reserve beginning with the 1990–1991 Gulf War. The Guard and Reserve are heavily relied upon to provide support for smaller regional contingencies, peace-keeping and peace-making operations, and disaster relief. Although this level of mobilization is unprecedented during a time of peace, the men and women of the Guard and Reserve have performed a tremendous job in bridging the gap in our national security. For instance, more than 1,000 Missouri Army National Guard soldiers went to Honduras to help the country recover from the devastation of Hurricane Mitch. Additionally, Missouri Air Force Reservists have defended the skies over Bosnia-Herzegovina. America's Reserve component is now essential to our everyday military operations.

I strongly believe that our Active Duty forces should be provided additional resources to improve the readiness and overall capability of our national defense so America will not have to over-use its ''weekend warriors.'' But I also know that Congress should provide the necessary resources and support for the Reserve component to complement their new position in our security. Beyond providing the Reserve component with the resources, training, and equipment to be fully integrated into the military's ''Total Force'' concept, the Reserve component personnel should be provided targeted support to address their unique concerns.

When a member of the Reserve component chooses to serve, these brave men and women give up at least several weeks a year for training. In return, they are provided only minimal pay. With this training, along with additional out of area deployments each lasting up to 179 days, the 866,000 Reserve troops have put in 12 to 13 million man—days in each of the last three years. This type of commitment often puts a tremendous strain on these men and women, their families, and their employers. They all deserve our deepest thanks and sense of gratitude, and also our full support.

Mr. President, the Reservist Tax Relief Act of 2000 is one way we can actively support the contribution made by the Reserves to our national defense. This bill, endorsed by the Reserve Officers' Association of the United States, will provide a tax deduction to National Guard and Reserve members for travel expenses related to their military services, so that their travel costs in connection with Guard duty can be treated as a business expense. This provision was part of the federal tax code until it was removed by the Tax Reform Act of 1986. Estimates show that approximately 10 percent of Reserve members, or about 86,000 personnel, must travel over 150 miles each way from home in order to fulfil their military commitments. The expenses involved in traveling this distance at least ''one weekend a month and two weeks a year'' can become a tremendous burden for dedicated citizen-soldiers. It is time, with taxes at record levels in this country, to reinstate this tax deduction for military reservists, who give up more than just their time in service to this country.

This tax relief bill is estimated to result in $291 million less tax dollars being collected by the Treasury over the next five years; the first year ''cost'' is $13 million. In the era of multi-billion dollar programs and surpluses this amount may seem small to Washington bureaucrats, but to the hard-working Reservists and Guardsmen in Missouri, this additional tax deduction will provide real financial help. Most Reservists and National Guardsmen and women do not enlist as a means to become a millionaire, but are motivated by a sense of duty to country. It is our responsibility to respond to their service with this simple tax correction. I urge my colleagues to support this measure and to support the men and women of our Reserve and Guard forces. I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 3101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reservists Tax Relief Act of 2000''.

SEC. 2. DEDUCTION OF CERTAIN EXPENSES OF RESERVISTS.

(a) DEDUCTION ALLOWED.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business during any period for which such individual is away from home in connection with such service.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(D) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2000.

By Mr. ASHCROFT:

S. 3102. A bill to require the written consent of a parent of an unemancipated minor prior to the referral of such minor for abortion services; to the Committee on the Judiciary.

PUTTING PARENTS FIRST ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce legislation that will reaffirm the vital role parents play in the lives of their children. My legislation, the Putting Parents First Act, will guarantee that parents have the opportunity to be involved in one of their children's most important and life-affecting decisions—whether or not to have an abortion.

The American people have long understood the unique and essential role the family plays in our culture. It is the institution through which we best inculcate and pass down our most cherished values. As is frequently the case, President Reagan said it best. Within the American family, Reagan said, ''the seeds of personal character are planted, the roots of public virtue first nourished. Through love and instruction, discipline, guidance and example, we learn from our mothers and fathers the values that will shape our private lives and public citizenship.''

The Putting Parents First Act establishes something that ought to be self-evident, but tragically is not: that mothers and fathers should be allowed to be involved in a child's decision whether or not to have a major, life-changing, and sometimes life-threatening, surgical procedure—an abortion. This seems so simple. In many states, school officials cannot give a child an aspirin for a headache without parental consent. But doctors can perform abortions on children without parental consent or even notification. This defies logic.

The legislation I am introducing today would prohibit any individual from performing an abortion upon a minor under the age of 18 unless that individual has secured the informed written consent of the minor and a parent or guardian. In accordance with Supreme Court decisions concerning state-passed parental consent laws, the Putting Parents First Act allows a minor to forego the parental involvement requirement in cases where a court has issued a waiver certifying that the process of obtaining the consent of a parent or guardian is not in the best interests of the minor or that the minor is emancipated.

For too long, the issue of abortion has polarized the American people. To some extent, this is the inevitable result of vastly different views of when life begins and ends, what 'choices' are involved, and who has the ability to determine these answers for others. Many including myself, view abortion as the destruction of innocent human life that should be an option in only the most extreme situations, such as rape, incest, or when the very life of the mother is at stake. Others, including a majority of current Supreme Court Justices, view abortion as a constitutionally-protected alternative for pregnant women that should almost always be available. I think that all sides would agree that abortion involves a serious decision and a medical procedure that is not risk-free.

Thankfully, there are areas of common ground in the abortion debate on which both sides, and the Supreme Court, can agree. One such area of agreement is that, whenever possible, parents should be informed and involved when their young daughters are faced with a decision as serious as abortion. A recent CBS/New York Times survey found that 78 percent of Americans support requiring parental consent before an abortion is performed on a girl under age 18. Even those who do not view an abortion as a taking of human life recognize it as a momentous, indeed a life-changing, decision that a minor should not be left to make alone. The fact that nearly 80 percent of the states have passed laws requiring doctors to notify or seek the consent of a minor's parents before performing an abortion also demonstrates the consensus in favor of parental involvement.

The instruction and guidance about which President Reagan spoke are needed most when our children are dealing with important life decisions. It is hard to imagine a decision more important than whether or not a child should have a child of her own. We recognize, as fundamental to our understanding of freedom, that parents have unique rights and responsibilities to control the education and upbringing of their children—rights that absent a compelling interest, neither government nor other individuals should supercede. When a young woman finds herself in a crisis situation, ideally she should be able to turn to her parents for assistance and guidance. This may not always happen, and may not be reality for some young women, but at the very least, we should make sure that our policies support good parenting, not undercut parents. Sadly, another reason to encourage young women to include a parent in the decision to undergo an abortion is because of adverse health consequences that can arise after an abortion. Abortion is a surgical procedure that can and sometimes does result in complications. Young women have died of internal bleeding and infections because their parents were unaware of the medical procedures that they had undergone, and did not recognize post-abortion complications.

Unfortunately, parental involvement laws are only enforced in about half of the 39 states that have them. Some states have enacted laws that have been struck down in state or federal courts; in other states, the executive branch has chosen not to enforce the legislature's will. As a result, just over 20 states have parental consent laws in effect today. In the remaining 30 states, parents are often excluded from taking part in their minor children's most fundamental decisions.

Moreover, in those states where laws requiring parental consent are on the books and being enforced, those laws are frequently circumvented by pregnant minors who cross state lines to avoid the laws' requirements. Often, a pregnant minor is taken to a bordering state by an adult male attempting to ''hide his crime'' of statutory rape and evade a state law requiring parental notification or consent. Sadly, nowhere is this problem more apparent than in my home state of Missouri. I was proud to have successfully defended Missouri's parental consent law before the Supreme Court in Planned Parenthood versus Ashcroft. Unfortunately, a study a few years ago in the American Journal of Public Health found that the odds of a minor traveling out of state for an abortion increased by over 50 percent after Missouri's parental consent law went into effect. There are ads in the St. Louis, Missouri, Yellow Pages luring young women to Illinois clinics with the words ''No Parental Consent Required'' in large type.

The limited degree of enforcement and the ease with which state laws can be evaded demand a national solution. The importance of protecting the fundamental rights of parents demands a national solution. And the protection of life—both the life of the unborn child, and the life and health of the pregnant young woman—demands we take action. Requiring a parent's consent before a minor can receive an abortion is one way states have chosen to protect not only the role of parents and the health and safety of young women, but also, the lives of the unborn. Thus, enactment of a federal parental consent law will allow Congress to protect the guiding role of parents as it protects human life.

The Putting Parents First Act is based on state statutes that have already been determined to be constitutional by the U.S. Supreme Court. The legislation establishes a minimum level of involvement by parents that must be honored throughout this nation. It does not preempt state parental involvement laws that provide additional protections to the parents of pregnant minors.

Mr. President, sound and sensible public policy requires that parents be involved in critical, life-shaping decisions involving their children. A young person whose life is in crisis may be highly anxious, and may want to take a fateful step without their parents' knowledge. But it is at these times of crisis that children need their parents most. They need the wisdom, love and guidance of a mother or a father, not policy statements of government bureaucrats, or uninvolved strangers. This legislation will strengthen the family and protect human life by keeping parents involved when children are making decisions that could shape the rest of their lives.

By Mr. LEVIN (for himself and Mr. BRYAN):

S. 3103. A bill to amend the Internal Revenue Code of 1986 to impose a discriminatory profits tax on pharmaceutical companies which charge prices for prescription drugs to domestic wholesale distributors that exceed the most favored customer prices charged to foreign wholesale distributors; to the Committee on Finance.

PRESCRIPTION DRUG PRICE ANTI-DISCRIMINATION ACT

Mr. LEVIN. Mr. President, American consumers should have access to reasonably priced medicines. That seems like such a simple and reasonable statement to make, yet it is a bold one to make in this Congress. Drug prices should be a central part of the debate. I firmly believe we must do two things relative to prescription drugs (1) add a prescription drug benefit to the Medicare program and (2) address the high price of drugs. It is the second issue that the bill I am introducing today with Senator BRYAN seeks to address.

The Prescription Drug Price Anti-Discrimination Act provides that when a prescription drug manufacturer has a policy that discriminates against U.S. wholesalers by charging them more than it charges foreign wholesalers, a 10 percent discriminatory profits tax would be imposed on that manufacturer. This 10 percent discriminatory profits tax will be dedicated to Part A of the Medicare trust fund.

This legislation does not attempt to control drug prices. The manufacturer may charge what it chooses to a foreign wholesaler or a U.S. wholesaler. But if the manufacturer does not have a non-discriminatory pricing policy, the discriminatory profits penalty kicks in. It is up to the manufacturer. If the manufacturer reports that it has a policy to charge U.S. wholesalers no more than foreign wholesalers, there is no penalty. That statement would be attached to the company's tax return, and it would be treated like any other representation on a tax return.

This bill applies to U.S. manufacturers distributing to foreign wholesalers in Canada and any country that is a member of the European Union. By limiting the bill to Canada and the European countries, we still allow for prescription drug manufacturers to sell AIDS drugs at lower prices to African countries or other countries ravaged by diseases. The bill refers only to other countries whose resources are comparable to ours.

Fortune magazine recently reported that pharmaceuticals ranked as the most profitable industry in the country in three benchmarks-return on revenues, return on assets, and return on equity. Yet, Americans are forced to pay extraordinarily high prices for prescription drugs in the U.S. when they can cross the border to Canada to buy those same drugs at far lower prices. This legislation should help bring Americans the prescription drugs that they need at lower prices.

I have come to the Senate floor on previous occasions to talk about my own constituents who travel from Michigan to Canada just to purchase lower priced prescription drugs. We found that seven of the prescription drugs most used by Americans cost an average of 89 percent more in Michigan than in Canada. For example, Premarin, an estrogen tablet taken by menopausal women costs $23.24 in Michigan and $10.04 in Ontario. The Michigan price is 131 percent above the Ontario price. Another example, Synthroid, a drug taken to replace a hormone normally produced by the thyroid gland, costs $13.16 in Michigan and $7.96 in Ontario. The Michigan price is 65 percent above the Ontario price.

To add insult to injury, these drugs received financial support from the taxpayers of the United States through a tax credit for research and development and in some cases through direct grants from the NIH to the scientists who developed these drugs. In 1996 (the latest year that we have data) through a variety of tax credits, the industry reduced its tax liability by $3.8 billion or 43 percent.

Research is very important and we want pharmaceutical companies to engage in robust research and development. But American consumers should not pay the share of research and development that consumers in other countries should be shouldering.

Manufacturers of prescription drugs are spending fortunes for advertising. According to the Wall Street Journal, spending on consumer advertising for drugs rose 40 percent in 1999 compared with 1998. In 1999 the drug industry spent nearly $14 billion on promotion, public relations and advertising.

Mr. President, I have been sent a letter from Families USA, a noted health care advocacy group, which states that the bill we are introducing today ''will help Medicare beneficiaries buy drugs at lower prices.''

Our citizens should not have to cross the border for cheaper medicines made in the U.S. U.S. consumers are subsidizing other countries when it comes to prescription drug prices. That is simply wrong and this legislation will help to correct this situation.

Mr. BRYAN. Mr. President, I am pleased to cosponsor the Prescription Drug Price Anti-Discrimination Act and I commend my colleague, Senator LEVIN, for his leadership on this initiative.

This bill would require drug manufacturers to treat American patients fairly—a manufacturer must have a policy in place that states that it does not discriminate against U.S. wholesalers by charging them more than it charges foreign wholesalers. If the company does not have this policy in place, then a 10 percent discriminatory profits tax would be imposed.

The reason for this bill is abundantly clear: American patients are being charged significantly higher prices than are patients in foreign countries for the exact same drugs. Is there any reason why our citizens—44 million of whom are uninsured and faced with paying these high prices—should be forced to make the choice between going without much-needed prescription drugs or paying 50, 100, or even 300 percent more for their drugs than do citizens in Canada, Great Britain, and Australia? Of course there isn't.

Today, patients without drug coverage in the United States are not treated fairly by U.S. manufacturers. I was shocked to discover the enormous price disparities that exist for some of the most commonly used drugs. For example, Prevacid, which is used to treat ulcers, is 282 percent more expensive in the United States than in Great Britain. Claritin is used to treat all allergies—as we all know thanks to frequent television commercials—and is 308 percent more expensive when purchased by American patients than when purchased by Australian patients. And Prozac, which can help millions of Americans suffering from depression, is out of reach to many as it is 177 percent more expensive in the United States than in Australia.

Our Medicare beneficiaries deserve a prescription drug benefit, and all of our citizens deserve the assurance that U.S. manufacturers will not charge them significantly more than they charge foreign patients.

This bill will not harm the drug industry. They can choose to accept the tax penalty, or they can lower prices to American consumers to the levels they charge foreign consumers. Either way, they will remain a very profitable industry:

Fortune magazine recently again rated the pharmaceutical industry as the most profitable industry in terms of return on revenues, return on assets, and return on equity.

Drug companies enjoy huge tax benefits relative to other industries: their effective tax rate was 40 percent lower than that of all other U.S. industries between 1993–1996. Compared to certain industries, the drug industry's effective tax rate was even lower—for example, it was 47 percent lower than that for wholesale and retail trade.

Additionally, higher drug prices for American patients simply aren't justified in the face of soaring marketing and advertising budgets: the industry spent almost $2 billion in 1999 on direct-to-consumer advertising, and more than $11 billion on marketing and promotion to physicians.

I don't have an argument with large profits—but American patients should not be charged more than patients in other countries for the same drugs. Moreover, American taxpayers should not be forced to underwrite highly profitable corporations that exploit American consumers.

Although many of us are still hopeful that we can pass a meaningful Medicare prescription drug benefit before the close of this Congress, at the very least we should require fair pricing for American patients.

I urge my colleagues to cosponsor this bill.

Mr. SHELBY (for himself, Mr. COCHRAN, and Mr. BOND):

S. 3104. A bill to amend the Tariff Act of 1930 with respect to the marking of door hinges; to the Committee on Finance.

TARIFF ACT OF 1930 AMENDMENT

Mr. SHELBY. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 3104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARKING OF DOOR HINGES.

Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following new subsection:

''(l) MARKING OF CERTAIN DOOR HINGES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no exception may be made under subsection (a)(3) with respect to door hinges and parts thereof (except metal forgings and castings imported for further processing into finished hinges and door hinges designed for motor vehicles), each of which shall be marked on the exposed surface of the hinge when viewed after fixture with the English name of the country of origin by means of die stamping, cast-in-mold lettering, etching, or engraving.

''(2) OTHER MEANS OF MARKING.—If, because of the nature of the article, it is not technically or commercially feasible to mark it by 1 of the 4 methods specified in paragraph (1), the article may be marked by an equally permanent method of marking such as paint stenciling or, in the case of door hinges of less than 3 inches in length, by marking on the smallest unit of packaging utilized.''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 apply to goods entered, or withdrawn from warehouse for consumption, on and after the date that is 6 months after the date of enactment of this Act.

Mr. BREAUX:

S. 3105. A bill to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, and for other purposes; to the Committee on Finance.

MISSING CHILDREN TAX FAIRNESS ACT OF 2000

Mr. BREAUX. Mr. President, I rise today to introduce the Missing Children Tax Fairness Act.

As a father and grandfather, I know there is no greater fear than having a child taken from you. No family should have to go through such a horrible tragedy, yet in 1999 alone, approximately 750,000 children were reported missing. The parents of these missing children must face the daily reality that they may never find their children or even know their fate, yet most never lose hope or give up the search for any clue. It seems unfathomable that families in such a tragic predicament would be faced with the added burden of higher taxation, but that is exactly what is happening under current tax policy.

Recently, the Internal Revenue Service (IRS) issued an advisory opinion which stated that the families of missing children may claim their child as a dependent only in the year of the kidnapping. However, in the following years, no such deduction may be taken, regardless of if the child's room is still being maintained and money is still being spent on the search. The IRS Chief Counsel admitted that this issue is ''not free from doubt'' but concluded that, in the absence of legal authority to the contrary, denying the dependency exemption was consistent with the intent of the law. I believe this issue should be decided differently and that Congress must remedy this unjust situation.

The Missing Children Tax Fairness Act will clarify the treatment of missing children with respect to certain basic tax benefits and ensure that the families of these children will not be penalized by the tax code. It makes certain that families will not lose the dependency exemption, child credit, or earned income credit because their child was taken from them. I believe this a fair and equitable solution to a tax situation faced by families who are victims of one of the most heinous crimes imaginable—child abduction. I urge my colleagues to cosponsor this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill and my statement be printed in the RECORD.

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

S. 3105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Missing Children Tax Fairness Act of 2000''.

SEC. 2. TREATMENT OF MISSING CHILDREN WITH RESPECT TO CERTAIN TAX BENEFITS.

(a) IN GENERAL.—Subsection (c) of section 151 of the Internal Revenue Code of 1986 (relating to additional exemption for dependents) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who would be (without regard to this paragraph) the dependent of the taxpayer for the taxable year in which the kidnapping occurred if such status were determined by taking into account the 12 month period beginning before the month in which the kidnapping occurred,

shall be treated as a dependent of the taxpayer for all taxable years ending during the period that the child is kidnapped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under this section,

''(ii) the credit under section 24 (relating to child tax credit), and

''(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2).

''(C) TERMINATION OF TREATMENT.—Subparagraph (A) shall not apply with respect to any child of a taxpayer as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).''

(b) COMPARABLE TREATMENT FOR EARNED INCOME CREDIT.—Section 32(c)(3) of the Internal Revenue Code of 1986 (relating to qualified child) is amended by adding at the end the following new subparagraph:

''(F) TREATMENT OF MISSING CHILDREN.—

''(i) IN GENERAL.—For purposes of this paragraph, an individual—

''(I) who is presumed to have been kidnapped by someone who is not a member of the family of such individual or the taxpayer, and

''(II) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subparagraph (A)(ii) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

''(ii) TERMINATION OF TREATMENT.—Clause (i) shall not apply with respect to any child of a taxpayer as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. JEFFORDS (for himself, Mr. REED, and Mr. LEAHY):

S. 3106. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the Medicare home health benefit; to the Committee on Finance.

THE HOME HEALTH CARE PROTECTION ACT OF 2000

Mr. JEFFORDS. Mr. President, I am here today to introduce the Home Health Care Protection Act of 2000. This legislation has been written to make sure that qualification for Medicare home health services does not negatively impact other area's of a patient's recovery process, or preclude participation in important personal activities, like religious services.

The homebound requirement to qualify for Medicare home health services has been applied restrictively and inconsistently by the Health Care Financing Administration (HCFA) and its various Medicare contractors. In April 1999, the Secretary of Health and Human Services sent a report to Congress on the homebound definition. The report identifies the wide variety in interpretation of the definition and the absurdity of some coverage determinations that follow. While I do not support all the conclusions of the report, I do agree with the Secretary that a clarification of the definition is needed to improve uniformity of application.

Of particular concern to me is the disqualification of seniors who,

through significant assistance, are capable of attending adult day care programs for integrated medical treatment that has been empirically recognized as effective for some severe cases of Alzheimer's and related dementia's. A close reading of current law does not preclude homebound beneficiaries from using adult day services, yet some fiscal intermediaries are establishing reimbursement policies that force beneficiaries to forgo needed adult day services in order to remain eligible for home health benefits.

The Home Health Protection Act states that absences for attendance in adult day care for health care purposes shall not disqualify a beneficiary. It is inappropriate and counterproductive to force seniors to choose between Medicare home health benefits and adult day care services in circumstances where both are needed as part of a comprehensive plan of care.

I have also heard from numerous beneficiaries who fear that absences from the home for family emergencies or religious purposes could disqualify them from the home health benefit. Current law attempts to address this situation by allowing for absences of infrequent or short duration. However, one Vermont senior, who suffers from multiple sclerosis and numerous complications, cannot leave the home without a wheelchair and a van equipped with a lift. She left the home once a week, for three hours at a time, to visit her terminally ill spouse in a nursing home and attend religious services there together. She was determined to be ''not homebound.''

There are more stories like this. At the same time, visiting nurses have identified individuals who are healthy enough to leave the home without difficulty, but because they never do, they retain home health benefits at the expense of the Medicare program. Our legislation specifically clarifies that absences from the home are allowed for religious services and visiting infirm and sick relatives. In a time of great need or family crisis, seniors should feel comforted that the government won't stand in their way.

Federally funded home health care is an often quiet but invaluable part of life for America's seniors. We in Congress have an obligation to make sure that the Medicare program lives up to its promise and that home health will be available to those who need it. I would like to thank my cosponsors, Senators REED and LEAHY for their dedication to this issue. We look forward to working with the rest of Congress to turn this legislation into law.

Mr. REED. Mr. President, I rise today to join my colleague, the junior Senator from Vermont, in introducing legislation that I hope will resolve an issue that has needlessly confined Medicare beneficiaries receiving home health benefits to their residences. Today, my colleague and I are introducing a revised version of a bill we introduced earlier this year. I am pleased that this new legislation, the Home Health Care Protection Act, has the support of several national aging organizations, including the Alzheimer's Association, the National Council on Aging and the National Association for Home Care.

The Home Health Care Protection Act seeks to clarify the conditions under which a beneficiary may leave his or her home while maintaining eligibility for Medicare home health services. The Health Care Financing Administration (HCFA) requires that a beneficiary be ''confined to the home'' in order to be eligible for services. The current homebound requirement is supposed to allow beneficiaries to leave the home to attend adult day care services, receive medical treatment, or make occasional trips for non-medical purposes, such as going to the barber. However, the definition has been inconsistently applied, resulting in great distress for beneficiaries who are fearful that they will lose their benefit if they leave their home to attend events such as church services. Clearly, the intent of the rule is not to make our frail elderly prisoners in their own homes. The legislation we are introducing today seeks to bring greater clarity to the homebound definition so that they no longer are.

I am proud to have worked with my colleague, Senator JEFFORDS, on this issue and hope that we can get this legislation passed before the end of the session. Mr. President, the Home Health Care Protection Act seeks to provide some reasonable parameters that will enable beneficiaries suffering from Alzheimer's, among other chronic and debilitating diseases, to leave their home without worry. This modest legislation would make a real difference to home health beneficiaries in my state of Rhode Island as well as Medicare beneficiaries across the country and I would urge my colleagues to support it.

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ADDITIONAL COSPONSORS

S. 178

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 178, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 1446

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1726

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1726, a bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations.

S. 2271

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2271, a bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2272

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2272, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2290

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2290, a bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction.

S. 2434

At the request of Mr. L. CHAFEE, the names of the Senator from Virginia (Mr. ROBB), the Senator from Vermont (Mr. JEFFORDS), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. DEWINE), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2580

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.