

I am pleased with the scope and quality of this report. It adds to our understanding of human rights and legal reform in China and provides a useful action plan for the Congress and the administration. I am sending each of my colleagues a copy and urge you all to read it. For others, you can find the report on the commission's website at www.cecc.gov.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 14, 2001 in Jackson Heights, NY. Edgar Garzon, 35, was attacked after leaving a gay bar. The assailants, two men, exchanged hostile words with Mr. Garzon outside the bar, followed the victim toward his home, then beat the victim with a baseball bat or lead pipe. Mr. Garzon suffered a skull fracture and died three weeks after the attack. Police are investigating the incident as a bias attack.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WORLD POPULATION AWARENESS WEEK

Mr. LEAHY. Mr. President, over the past years I have spoken often on the subject of population growth and the many problems it poses. Even in my own State of Vermont, one of the most rural states, it is impossible to escape the fact that human population can leave a heavy footprint.

In the past 50 years the world's population has doubled in size. The implications of this exponential growth are impossible to fully grasp or predict. We do know however, that over 95 percent of new births are occurring in developing countries, many of which are unable to feed or care for their people today. From sub-Saharan Africa to much of Asia, hundreds of thousands of children are born each day without adequate food, medical care or shelter. In fact, of the 4.8 billion people living in developing countries, it is estimated that nearly 60 percent lack basic sanitation. Almost a third do not have access to clean water. A quarter do not have adequate housing, and a fifth, over 1 billion people, have no access to modern health services.

In addition, we have all seen the burden the Earth's swelling population

places on the environment. The world's rapidly growing population has resulted in severe water shortages, shrinking forests, soil degradation, air and water pollution and the daily loss of animal and plant life.

However, there has been progress. Because of the availability of education and modern contraceptives, the average number of births per woman has declined from 6 to 3. Due in large part to the work of organizations like the US Agency for International Development, the UN Population Fund, and the International Planned Parenthood Foundation, many women across the globe are receiving the help they need. These organizations provide essential advice, counseling and information in many countries where it otherwise would not exist. The reduction in family size that results has helped millions escape from poverty and, for many women, enhanced the prospects for education and a better life.

Even with these steps forward, much more needs to be done. The world's population is many hundreds of millions higher than it was seven years ago, yet the developing countries are still receiving US family planning assistance at 1995 levels. The inextricable link between world population growth and poverty, political instability, and environmental degradation is widely known. Over 600,000 women die from pregnancy related causes. These programs are about modern contraceptives, about reproductive health, about saving women's lives. Not one dime of US Government funds can be used for abortions, yet the White House and some Members of Congress continue to object to many of these programs.

For the United States to be a leader in support of international family planning it is vital for the American people to be aware of the problems posed by unchecked population growth. That is why I am pleased that Governor Howard Dean has proclaimed the week of October 20-26 as World Population Awareness Week in Vermont. I want to support the Governor in this effort, and I ask unanimous consent that his proclamation be printed in the RECORD.

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

STATE OF VERMONT EXECUTIVE DEPARTMENT A PROCLAMATION

Whereas, more than one billion people—one sixth of the world's population—are between the ages of 15 and 24, the largest generation ever in this age bracket, and Whereas, nearly half the world's population, and 63 percent in the least developed countries, is under age 25; and

Whereas, 17 million young women between the ages of 15-19 give birth every year, including some 13 million who live in less developed countries; and

Whereas, early pregnancy and childbearing is associated with serious health risks, as well as less education and lower future income potential for young mothers; and Whereas, risks of dying from complications of pregnancy or childbirth are 25 times higher for girls under 15, and two times higher for women between 15-19; and

Whereas, approximately half of the 5 million people infected with HIV last year were young people aged 15-24; and

Whereas, almost 12 million young people now live with HIV, and about 6,000 more become infected every day; and

Whereas, the choices young people make today regarding their sexual and reproductive lives, including responsible male behavior, will determine whether world population stabilizes at 8 billion or less or 9 billion or more; and

Now, therefore, I, Howard Dean, Governor of the State of Vermont, do hereby proclaim October 20-26, 2002 as World Population Awareness Week in Vermont.

Given under my hand and the Great Seal of the State of Vermont this 25 day of August, A.D. 2002.

HOWARD DEAN, M.D.,
Governor.

MEDICARE APPEALS, REGULATORY AND CONTRACTING IMPROVEMENTS

Mr. GRASSLEY. Mr. President, I want to take a few minutes to discuss a provision in the Beneficiary Access to Care and Medicare Equity Act I introduced yesterday with Senator BAUCUS.

The core of our bill, as the short title indicates, ensures beneficiary access to care and improves equity in Medicare payments. But the bill also makes important other improvements to the Medicare program that go beyond payment policy and beneficiary improvements.

Chief among those is regulatory relief for providers.

Every day, in cities and towns across Iowa, health care providers treat the sick, restore them to health, and work to prevent further illness. Iowa's proportion of older adults in the population exceeds that of the United States as a whole. In fact, we rank second in the Nation in our percentage of persons aged 85 and older.

Simply put, the Medicare program means a great deal to Iowans, not only from a beneficiary perspective but also from a provider perspective. Health care providers in Iowa rely on the Medicare program for much of their business.

I have had extensive conversations with many Iowa health care providers and workers, and a complaint I have heard over and over is that the Medicare program is too bureaucratic. Too much time is spent on paperwork instead of treating patients. Rules coming out of Washington are confusing and contradictory. Doctors and nurses receive one answer to a question from their Medicare contractor and a different answer from Medicare headquarters in Baltimore.

Now, don't get me wrong. My position on the sin of Medicare waste, fraud, and abuse has not changed. As a watchdog of the taxpayer dollar, I firmly believe in asking health care providers to account for the money they receive from the government. Taxpayer dollars must be spent responsibly. However, when honest providers

are unable to get straight answers from the government, frustration and inefficiency can result. The outcome is a health care program that is not serving beneficiaries or taxpayers as well as it could. So I am proud that this legislation takes steps to treat some of these bureaucratic ills afflicting Medicare.

Based on provisions in a bill introduced last year by myself and Senator BAUCUS, along with Senators MURKOWSKI and KERRY, the Beneficiary Access to Care and Medicare Equity Act offers additional appeal rights for providers, mandates enhanced provider education, and ensures that providers receive straight answers from the Centers for Medicare and Medicaid Services, CMS.

Importantly, our legislation reforms the way Medicare contracts with the private companies that process and pay claims. Today, CMS is stymied by outdated guidelines that fail to recognize efficiency and quality in contractor performance. Today's system is also not competitive. Our legislation brings competition into the program so that the best available contractors, in terms of quality and efficiency, will serve it. The bill provides incentives for contractors to give timely and accurate information to beneficiaries and providers.

For Medicare contractor reform to succeed, however, contractors need protection from unlimited civil liability in carrying out the payments, provider services, and beneficiary services functions expected of them.

The bill I have just introduced would therefore continue the past policy of limiting the liability of certifying and disbursing officers, and the Medicare administrative contractors for whom those officers serve, with respect to certain payments. In addition, the language contained in Section 621 clarifies that Medicare administrative contractors are not liable for inadvertent billing errors but, as in the past, are liable for all damages resulting from reckless disregard or intent to defraud the United States.

Importantly, the reckless disregard standard is the same as the standard under the False Claims Act, a 150-year-old Federal law that I updated in 1986 and that has had unmatched success in fighting fraud and abuse in Federal programs like Medicare. The False Claims Act, 31 U.S.C. Sections 3729–3733, applies to Medicare fiscal intermediaries and carriers under current law and has been used effectively by whistleblowers and the Department of Justice to uncover and penalize fraud against the program by some intermediaries and carriers.

This specially calibrated version of reckless disregard balances the practical need to shelter Medicare administrative contractors from frivolous civil litigation, with the Medicare program's interest in protecting itself from contractor fraud. This legislation makes it clear that the False Claims Act continues, as in the past, to remain available as a remedy for fraud against Medicare by certifying officers, dis-

bursing officers, and Medicare administrative contractors alike and that, among other things, the remedy subjects Medicare contractors to administrative as well as trust fund damages. I am pleased that the Department of Justice and the HHS Office of Inspector General believe this special liability standard serves taxpayers and the Medicare program extremely well.

In closing, let me again say how proud I am that on this issue and on the many other provider and beneficiary policies in this bill, Chairman BAUCUS and I were able to work together in a balanced, bipartisan fashion. Together, we carefully considered and came to agreement on payment, administration and benefit policies that make sense for Medicare. I urge the Senate Democrat leadership to call up our bill for full consideration in short order before we adjourn next week.

ADDITIONAL STATEMENTS

MAINE'S ANGEL IN ADOPTION, DAWN DEGENHARDT

• Ms. COLLINS. Mr. President, each year, members of the Congressional Coalition on Adoption nominate an individual or couple to receive the "Angels in Adoption" award. This year, it was my pleasure to nominate Dawn C. Degenhardt of Houlton, ME to receive the 2002 "Angels in Adoption" award for her efforts and dedication to this cause. Dawn's wonderful story is truly inspirational.

Born in Portland, ME, Dawn was a child advocate in Cleveland, OH, where she founded the State chapter of the Council on Adoptable Children. Dawn and another parent also founded Spaulding of Beechbrook in Ohio, which helps to place special needs children and is still in existence today.

When Dawn and her husband decided to start their own family, they began by adopting two infants. By the time their second child was a year old, Dawn and Ed pursued an older child adoption. Over the next two years, they worked to encourage more people to adopt older children. They adopted four more children, one from a Native American adoption program in South Dakota and three from Vietnam. They then moved to Maine and adopted three more older children, two through the Maine Department of Human Services and one from India. Dawn and Ed adopted nine children in total.

Though their own family was now complete, in 1977, Dawn's concern for the children still waiting in the foster care system prompted her to found the Maine Adoption Placement Service, MAPS, in Houlton, ME. Her original mission was to place special needs children and to educate and train their new adoptive families in a supportive environment. After ten years, the program expanded its services to include a housing component for pregnant teens and young women.

Today, there are MAPS offices and programs with housing for pregnant

and parenting teens in Portland, Bangor, and Houlton. The program also has licensed offices in Boston, Tampa, FL, and Silverthorne, CO. The Colorado office has also a therapeutic foster care program.

The agency dawn founded is also licensed in Vermont, and has recently received accreditation by the Council on Accreditation of Children and Family Services, COA. MAPS was the first adoption agency to propose placement of children living in orphanages in the former Soviet Union, and that work continues to this day.

The program is also functioning in Cambodia, where it offers a strong program of adoption services and humanitarian aid. MAPS also has developed programs in Kazakhstan, Romania, India, Guatemala, Sierra Leone, and Ecuador; offering families more international choices while never losing sight of its original mission of placing special needs children from the foster care system. Dawn continues to serve as CEO of the Maine Adoption Placement Service. This year she and her staff celebrate their twenty-fifth anniversary of bringing children and families together. Dawn and her team of dedicated professionals have helped to place over 3,500 children in loving homes.

Dawn and Ed Degenhardt have built a family not only for themselves but also for many others. Their home has been filled with love and happiness. I am proud to know that Maine is home to a couple so full of compassion and generosity, and who have inspired countless more families, to show the same compassion and caring for children in our state and around the globe.●

HISPANIC HERITAGE MONTH 2002

• Mr. DURBIN. Mr. President, I rise in honor of Hispanic Heritage Month. For the past 34 years we have formally celebrated the numerous contributions the Hispanic community has made to our country. From September 15 to October 15, 2002, Hispanic Heritage Month will be commemorated by millions of people across the United States.

Hispanic Americans make up 12.5 percent of the population and have had a profound effect on our Nation's economic strength and stability. They not only are the fastest growing population group in the Nation, they are the fastest growing group among small business owners. Hispanic Business Magazine estimates that by the year 2007, Hispanic buying power will rise to \$926.1 billion—due to a growth rate almost three times that of non-Hispanics.

There are more than 1.2 million Hispanic-owned businesses. These firms employed more than 1.4 million people and generated \$183.3 billion in revenues. These statistics are a testament