Mr. President, I am especially pleased that the "Children's Public Health Act" contains several important initiatives that my colleagues and I had already introduced as separate bills. One such initiative—the Pediatric Research Initiative—would help ensure that more of the increased research funding at the National Institutes of Health (NIH) is invested specifically in children's health research.

While children represent close to 30 percent of the population of this country, NIH devotes only about 12 percent of its budget to children, and, in recent years, that proportion has been declining even further. We must reverse this disturbing trend. It simply makes no sense to conduct health research for adults and hope that those findings also will apply to children. A "one-size-fits-all" research approach just doesn't work. The fact is that children have medical conditions and health care needs that differ significantly from adults. Children's health deserves more attention from the research community. That's why the Pediatric Research Initiative is such an important part of the "Children's Public Health Act." It would provide the federal support for pediatric research that is so vital to ensuring that children receive the appropriate and best health care possible.

The Pediatric Research Initiative would authorize $50 million annually for the next five years for the Office of the Director of NIH to conduct, coordinate, support, develop, and recognize pediatric research. By doing so, we will be able to ensure that researchers target and study child-specific diseases. With more than 20 Institutes and Centers and Offices within NIH that conduct, support, or develop pediatric research in this important way, the initiative would promote greater coordination and focus in children's health research and should encourage new initiatives and areas of research.

The "Children's Public Health Act" also would authorize funding through the National Institutes of Child Health and Human Development (NICHD)—for pediatric research scientists and would provide funding for loan forgiveness programs. Trained researchers are essential if we are to make significant advances in the study of pediatric health care, especially in light of the new and improved National Institutes of Health (NIH) policies that encourage the testing of medications for use by children.

Additionally, the "Children's Public Health Act" includes the "Children's Asthma Relief Act," which Senator Durbin and I introduced last year. The sad reality for children is that asthma is becoming a far too common condition. About 50 percent of all hospitals, yet they train five percent of all physicians, nearly 30 percent of all pediatricians, and almost 50 percent of all pediatric specialists. By providing our nation with highly quality pediatric care, children's hospitals can offer children the best possible care and offer parents peace of mind. They serve as the health care safety net for low-income children in their respective communities and are often the sole regional providers of many critical pediatric services. These institutions also serve as centers of excellence for very sick children across the nation. Federal funding for GME in children's hospitals is an investment in children's health and provides stability for the future of the pediatric workforce.

Mr. President, as the father of eight children and the grandfather of five, I firmly believe that we must move forward to protect the interests—and especially the health—of all children. The "Children's Public Health Act of 2000" makes crucial investments in our country's future—investments that will yield great returns. If we focus on improving health care for all children today, we will have a generation of healthy adults tomorrow.

I urge my colleagues to support this vital children's health care bill.
CONGRESSIONAL RECORD — SENATE

July 13, 2000

Institutionalized Persons

Our bill also provides that substantial burdens on the religious exercise of institutionalized persons must be justified by a compelling interest. Congressional provisions that institutionalized persons have been prevented from practicing their faith. For example, some Jewish prisoners have been denied matzo, the unleavened bread Jews are required to consume during Passover. These prisoners have refused to eat even when their observance would not interfere with individual religious freedom, even though no valid public purpose is served by the governmental action.

Our goal in proposing this legislation is to reach a reasonable and constitutionally sound balance between respecting the compelling interests of government and protecting the ability of people freely to exercise their religion. We believe that the legislation being introduced today achieves this goal in two areas where infringement of this right has frequently occurred—the application of land use laws, and the treatment of persons who are institutionalized. In both of these areas, our bill will protect the Constitutional right to worship, free from unnecessary government interference.

Our bill also provides that substantial burdens on the religious exercise of institutionalized persons must be justified by a compelling interest. Congress and its committees have considered numerous bills that would have been counterproductive if this effort to protect religious liberties led to confrontation and conflict between the civil rights community and the religious community, or to further court decisions striking down the Religious Freedom Restoration Act that 97 Senators joined in passing in 1993.


religious liberty and by leaving open the question of what future Congressional action, if any, will be needed to protect religious freedom in America.

The land use provision covers regulations defining "zoning and landmarking" laws. Under this provision, if a zoning or landmarking law substantially burdents a person's free exercise of religion, the government involved must demonstrate that the particular law is the least restrictive means of furthering a compelling governmental interest. This provision is based upon the constitutional authority of Congress under Section 5 of the 14th Amendment, as well as the Commerce and spending powers of Congress. The institutionalized persons section applies the strict scrutiny standard to cases in which the free exercise rights of such persons are substantially burdened. This provision is based upon Congress's constitutional authority under the Spending and Commerce powers.

Applying a strict scrutiny standard to prison regulations would not lead, as some have suggested, to a flood of frivolous lawsuits by prisoners, and it will not undermine safety, order, or discipline in correctional facilities. Arguments opposing this provision have been made in the past, but they were based on speculation. Now, the arguments can be proven demonstrably false by the facts.

Since the Religious Freedom Restoration Act was enacted in 1993, strict scrutiny has been the applicable standard in religious liberties cases brought by inmates in federal prisons. Yet, according to the Department of Justice, among the 96 federally run facilities, housing over 140,000 inmates, less than 75 cases have ever been brought under the Act—most of which have never gone to trial. On average, over seven years, that's less than 1 case in each federal facility. It's hardly a flood of litigation or a reason to deny this protection to prisoners.

Following the enactment of the 1993 Act, Congress also passed the Prison Litigation Reform Act, which includes a number of procedural rules to limit frivolous prisoner litigation. These procedural rules will apply in cases brought under the bill we are introducing today. Based upon these protections and the data on prison litigation, it is clear that this provision in our bill will not lead to a flood of frivolous lawsuits or threaten the safety, order, or discipline in correctional facilities. Sincere faith and worship can be an indispensable part of rehabilitation, and these protections should be an important part of that process.

In sum, our bill is an important step forward in protecting religious liberty in America. It reflects the Senate's long tradition of bipartisan support for the Constitution and the nation's fundamental freedoms, and I urge the Senate to approve it.
At the request of Mr. DeWine, the name of the Senator from Vermont (Mr. Jeffords) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

At the request of Mr. Abraham, the name of the Senator from Georgia (Mr. Cleland) was added as a cosponsor of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

At the request of Ms. Snowe, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of S. 1200, a bill to require equitable coverage of prescription drugs and devices, and contraceptive services under health plans.

At the request of Mr. Kennedy, his name was added as a cosponsor of S. 2023, a bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes.

At the request of Mr. Lugar, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 2034, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

At the request of Mr. Ashcroft, the name of the Senator from Nebraska (Mr. Hagel) was added as a cosponsor of S. 2106, a bill to increase internationally the exchange and availability of information regarding biotechnology and to coordinate a federal strategy in order to advance the benefits of biotechnology, particularly in agriculture.

At the request of Mr. Abraham, the name of the Senator from Hawaii (Mr. Akaka), the Senator from Missouri (Mr. Ashcroft), the Senator from Montana (Mr. Baucus), the Senator from Kentucky (Mr. Bunning), the Senator from Louisiana (Mr. Breaux), the Senator from Nebraska (Mr. Bayh), the Senator from Ohio (Mr. DeWine), the Senator from Connecticut (Mr. Dodd), the Senator from California (Mrs. Feinstein), the Senator from Florida (Mr. Graham), the Senator from Iowa (Mr. Grassley), the Senator from New Hampshire (Mr. Gregg), the Senator from North Carolina (Mr. Helms), the Senator from South Carolina (Mr. Hollings), the Senator from Oklahoma (Mr. Inhofe), the Senator from Massachusetts (Mr. Kennedy), the Senator from Kentucky (Mr. McConnell), the Senator from Alaska (Mr. Murkowski), the Senator from Washington (Mrs. Murray), the Senator from New Hampshire (Mr. Smith), the Senator from South Carolina (Mr. Tim Scott), and the Senator from Minnesota (Mr. Wellstone) were added as cosponsors of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

At the request of Mr. L. Chafee, the name of the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

At the request of Mr. Feingold, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 2483, a bill to institute a moratorium on the imposition of the death penalty at the Federal level until a National Commission on the Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented.

At the request of Mr. Craig, the name of the Senator from Georgia (Mr. Coverdell) was added as a cosponsor of S. 2504, a bill to amend title VI of the Clean Air Act with respect to the phaseout schedule for methyl bromide.

At the request of Mr. Kennedy, the name of the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 2615, a bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes.

At the request of Mr. Moynihan, the name of the Senator from North Dakota (Mr. Conrad) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

At the request of Mr. L. Chafee, the name of the Senator from Missouri (Mr. Ashcroft) was added as a cosponsor of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization,