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WILLIAM M. THOMAS, *Chairman.*

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CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

(Continued)

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time. I rise to again indicate that the President did not win on education in this legislation, the chairman of the Committee on Education and the Workforce did not win in this legislation. The children in this country won in this legislation. Above all, the children who are most disadvantaged won, thanks to the gentleman from Illinois (Mr. PORTER) and the gentleman from Florida (Mr. YOUNG).

When we were able to show the administration that 50 percent of teachers in many of the cities including New York are not certified or qualified, agreed there is no reason to send not one more teacher into that area, we better improve the teachers that are there. This happens all over the country. Therefore, they decided that 100 percent of this money, they agreed with us, could go for teacher preparation and teacher training for those that are already existing.

We also indicated that overall, 25 percent of the money could be flexible for teacher preparation. We also indicated that to those schools, 7,000 of them in title I that are in schools improvement who have not improved even in 4 years' time, the parents have the opportunity to say, we go to another public school within that district where they are not a failing school.

I want to also include that we wipe out Goals 2000 in the year 2000. We wipe it out in the year 2000 and gave a lot of money for special ed, which is very important.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. I thank the gentleman for yielding me this time.

Mr. Speaker, addressing the abortion compromise on Monday in Ankara, Turkey, our distinguished Secretary of State, Madeleine Albright said, and I quote, ''we do believe it will have a minimal effect on family planning.'' She went on to say ''the compromise will allow the President to carry out U.S. family planning policy around the world.''

I agree wholeheartedly with the Secretary of State. In fact, the pro-life side has always argued that the Mexico City Policy has no effect on those family planning organizations that divest themselves from the grisly business of abortion. The compromise provides that at least 96 percent of all the money used for population purposes—that is about $370 million—will be subjected to the Mexico City safeguards that prohibit foreign nongovernmental organizations from performing abortions in foreign countries, from violating abortion laws of those countries, or from engaging in activities in efforts to change or alter those laws. If the President chooses, he can waive the restrictions for up to $15 million in that account.

I am very pleased, Mr. Speaker, that H.R. 3427 is also enacted by this Act. It is the product of our Subcommittee on International Operations and Human Rights. It is in essence, a bill passed by both Houses.

Mr. Speaker, addressing the abortion compromise on Monday in Ankara, Turkey, our distinguished Secretary of State, Madeleine Albright, said, ''We do believe'' it will have a ''minimal effect on family planning'' and that it, the compromise, ''will allow the president to carry out—U.S. family planning policy around the world.''

I agree wholeheartedly with Secretary Albright. In fact, the pro-life side has always argued that the Mexico City policy has no effect on those family planning organizations who divest themselves from the grisly business of abortion. Abortion is violence against children. Abortion dismembers or chemically poisons innocent children. It is not family planning. The compromise language before us today narrowly focuses on those organizations that advertise themselves as family planning groups, but promote and/or perform abortions in other countries.

Let me reiterate in the strongest terms possible, this controversy has been, and is, all about the performance and promotion of abortion overseas, and not about family planning per se. The compromise provides that at least 96% of all the money used for population purpose—that's about $370 million—will be subject to the Mexico City safeguards that prohibit foreign non-governmental organizations from performing abortions in foreign countries, from violating the abortion laws of these countries, or from engaging in activities or efforts to change these laws. If the President chooses, he can waive the restrictions on up to $15 million in the account (4%). The abortion compromise language is far from perfect, it is a compromise but it is significant. The effect of the waiver is that up to $15 million would then be able to go to foreign organizations that did not make the Mexico City certifications with respect to performing abortions, violating abortion laws, and engaging in activities or efforts to change abortion laws. But this option comes with a consequence—$12.5 million will be transferred from the population account to the Child Survival fund for activities that have measurable, direct, and high impact on saving the lives of children in the Third World.

On the negotiations with the White House, there was give and take—the compromise is the result of a good faith effort to resolve difficult and complex issues. Neither side got everything it wanted. On balance, however, this bill represents a major step forward for the protection of unborn children around the world—without endangering genuine family planning activities.

Mr. Speaker, I am also pleased that this bill enacts by reference the provisions of H.R. 3427, the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 200–2001, which I introduced along with Representatives CYNTHIA MCKINNEY, BEN GILMAN, and SAM GEJDENSON. I insert at this point in the RECORD an agreed statement of the legislative history of H.R. 3427.

LEGISLATIVE HISTORY OF H.R. 3427, THE ADMIRAL JAMES W. NANCE AND MEG DONOVAN FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000–2001

Mr. Smith of New Jersey: Mr. Speaker, the conference report on H.R. 3194, the District of Columbia Appropriations Act, Fiscal Year 2000, incorporates and enacts by reference H.R. 3427, the Admiral James W. Nance and Meg Donovan Foreign Relations Act, Fiscal Years 2000–2001, which I introduced yesterday, November 17, 1999, along with Representatives Cynthia McKinney, Ben Gilman, and Sam Gejdenson.

Let me state for the record that H.R. 3427 is a compromise between H.R. 2415, the American Embassy Security Act, as passed by the House, and the Senate amendment to H.R. 2415, which incorporates the provisions of S. 886, the James W. Nance Foreign Relations Authorization Act. H.R. 3427 is a substitute for a conference report or an amendment between the Houses to resolve the differences between the House and the Senate versions of the bill.

The text and the Statement of Managers of H.R. 3427 (which appears in the explanatory statement to the conference report on H.R. 3194) were agreed upon by Mr. Gilman and Mr. Gejdenson, as well as by myself and Ms. McKinney—the Chairman and Ranking Minority Members, respectively, of the committee and subcommittee with jurisdiction over the bill in the House. In the Senate, the Statement of Managers of H.R. 3427 has the concurrence of a majority of the conferees appointed by the Senate for H.R. 2415.

The original Senate version of H.R. 2415, S. 886, was reported by the Committee on Foreign Relations on April 28, 1999 (S. Rept. 106–43) and passed the Senate, amended, on June 22, 1999 by a vote of 97–2.

H.R. 2415 passed the House, amended, on July 21, 1999. It was not reported by our Committee but was sent directly to the floor by action of the House pursuant to the special Rule. H.R. 2415 was a successor to H.R. 1211. H.R. 1211 was reported by the Committee on International Relations on March 29, 1999 (H. Rept. 106–122).

The legislative history of H.R. 3427 in the House is the legislative history of H.R. 2415 and H.R. 1211 in the House as far as is applicable. Similarly, in the Senate the legislative history of H.R. 3427 is the legislative history of S. 886.

The Foreign Relations Authorizations Act contains important provisions relating to the security of United States embassies and overseas employees, to human rights, to refugees, and to the activities of the States Department. I am particularly proud that the bill provides $12 million for the Bureau of Human Rights, Democracy, and Labor. It is scandalous that the State Department currently spends more on its public relations bureau than on the human rights bureau, and this legislation will put an end to that scandal. The bill also authorizes $750 million for refugee protection—unfortunately, far more than the Administration requested or than has been appropriated for FY 2000—but we will work to get the request and appropriations for FY 2001 up to the mark in the Authorization Act.

Mr. Speaker, the Foreign Relations Authorization Act (H.R. 3427) also contains important

United Nations reforms—standards to which the United Nations must live up in order to receive the amounts provided in the settlement of the dispute over arrearages. It authorizes $4.5 billion over five years for Embassy construction and improvement so as to reduce dramatically the vulnerability of our overseas facilities to terrorism, and provides strict conditions to make sure the State Department really spends the money on security instead of any other preferences it might have.

Mr. Speaker, H.R. 3427 ensures that as the United States Information Agency is folded into the State Department, the international information programs of USIA will not be converted into domestic press offices or propaganda organs. It requires that U.S. educational and cultural exchange programs provide safeguards against the inclusion of thugs and spies from dictatorial regimes and to increase the opportunities for human rights and democracy advocates to participate in these programs. (One of the requirements is that we conduct no further police training programs for members of the Royal Ulster Constabulary until we have in place vetting procedures to exclude participation by RUC officers who participated in or condoned serious human rights violations, such as the murders of defense attorneys Patrick Finucane and Rosemary Nelson.)

Mr. Speaker, this bill makes clear that Congress expects important reforms in our Vietnamese refugee programs for allied combat veterans, former U.S. government employees, and their families. It continues a requirement of current law that the programs the United Nations Development Program conducts in Burma be conducted in consultation with the legitimately elected pro-democracy authorities in that country, and that these programs not serve the interests of the brutal military dictatorship that currently holds power in Burma. The bill also provides funding for UNICEF, the United Nations Voluntary Fund for Victims of Torture, the World Food Program, for the Tibet, Burma, East Timor, and South Pacific Scholarships, and for other programs which will promote American interests and American values around the world.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentleman very much for yielding me this time.

The Government Accounting Office, the Congressional Research Service, and the Pentagon have all complied with requests from the Congress or complied with law to document the amount of money that we have spent on legitimate U.N. peacekeeping activities. The total amount of money is at least $17.1 billion since 1992.

Now, the U.N. has legitimized that accounting because they have credited us with $1.8 billion of that against past dues. But regrettably this legislation that is before us gives the United Nations nearly $1 billion of taxpayers' money, in spite of the fact that the GAO, the CRS and the Pentagon itself have documented that the U.N. owes us at least $15 billion. This is a travesty that I hope future legislation can correct.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 30 seconds. I just wanted to point out that there has been talk about winners and losers and victories and defeats. I would like to just make this point. I was very impressed by one visit to President Reagan's Oval Office. He had a sign there, and I will paraphrase it because I do not remember it exactly, but it goes like this: It's amazing what can be accomplished if you don't care who gets the credit.

That is how we have tried to work through this entire appropriations process, without demanding or claiming credit for any one of our appropriators. We just get the job done. We believe that we have produced a good product here that would be acceptable to the American people and should be acceptable to the Representatives in the House.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. FORBES), a member of the committee.

(Mr. FORBES asked and was given permission to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, I thank the gentleman for yielding me this time. I come to the floor today severely grieved and sad because the old ways of Washington continue to prevail. The men and women we serve with here today are honorable people, but the process is dishonest. I think that those of us who came here in 1995 as part of the crowd that was going to end these megabills, these omnibus spending bills, catch-all bills that were thrown in with all kinds of pork, all kinds of spending, this is a dishonest process. I lament that. $385 billion on this floor right now passed by agreement last night at 4 o'clock in the morning. We should be ashamed, because we are upholding the old ways of Washington, the Washington math, dishonest. We are going home, and we are telling people that we did not spend the Social Security surplus. It is a bald-faced lie. Each one of us knows that. We should be ashamed.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise in opposition to this bill. I just have to comment on the dairy part of this bill. We have people in this chamber who sing the praises of free trade with countries all over this world. Yet this chamber refuses to allow free trade in our own country. There is only one product, milk, only one product in this entire economy where the price of the product is dependent upon where it is made. That is wrong; that is a Soviet-style economy and everyone here knows it. The President did the right thing. The President tried to reform this system. Yet the Republican leadership in this House refuses to allow those market reforms to go into place. It is an embarrassment, and it is causing consumers all over this country to pay more for their milk. This bill should be defeated.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first of all with respect to the dairy provisions, I would like to publicly thank President Clinton for his personal efforts to salvage dairy reform and keep nongermane dairy riders off this appropriation bill. I also want to thank Secretary Glickman for twice trying to bring some degree of modernization to the 1937 milk marketing practices which have long since outlived their usefulness. I understand that given all the other items in the bill, the President cannot veto the bill over that; but I do appreciate very much the fact that he and his staff went to the well to try to help us when we really needed their help.

Let me say, Mr. Speaker, that I think I should explain the motion to recommit. In large part due to the unrealistic budget caps established in the 1997 budget act, both parties agreed early on this year that the budget request for veterans medical care was inadequately funded. The Republican budget resolution this year called for an additional $1.7 billion for veterans medical care, but that increase was for fiscal 2000 only.

The next 4 years of the Republican budget plan assumed that veterans health care would decline to a level below that of last year. The Democratic alternative budget provided not only for the additional $1.7 billion in fiscal 2000, it continued that increase in future years. In total, the Democratic budget provided about $8 billion more for veterans health expenses than the Republican resolution that passed.

When the VA-HUD subcommittee first marked up the fiscal 2000 bill, it ignored the guidance of the Republican budget resolution. It provided only the 1999 level with virtually no increase. After the hue and cry from veterans groups and the indication from the administration that it would be submitting a budget amendment for an additional $1 billion for veterans health care, the majority added $1.7 billion above the original request.

Both in full committee and on the House floor, the gentleman from Texas (Mr. EDWARDS) tried to add $700 million more in veterans medical care by delaying for 1 year the effect of the Republicans' capital gains tax cut. We were rebuffed procedurally by the majority at every turn on that, with the argument that an appropriations bill could not be merged with tax measures. Let me point out today to my colleagues that this omnibus bill today contains several tax measures. So despite the availability of valid provisions that would have provided offsets negating the need for the across-the-board cut in this omnibus measure, the majority has once again decided to take an action which would provide veterans health care less than I believe they need.

Therefore, our recommittal motion will be very simple. It will simply recommit the bill to the committee on

conference with instructions that House managers not agree to any provision whatsoever which would reduce or rescind appropriations for veterans medical care. In other words, it would eliminate the $72 million reduction in the Republican budget for veterans health care. It would restore that $72 million. I would urge Members to vote ''yes'' on the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield the balance of my time to the hard-working, straight-talking, straight-shooting Speaker of the House, a great leader, the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I do not have to tell my colleagues that it has been a long and often challenging road to get us to this point. Today, we have before us a good bill, a fair bill, a bill that reflects our priorities as a Congress and reflects our priorities as a Nation.

When I took over this job a little less than a year ago, I said the appropriations process needed to be a process that we sent the 13 bills. After we moved through the process of the committee and we sent them to the White House and the President has the chance of signing those bills or vetoing those bills, and if he chooses to veto, give us the message and send the bill back and we will work it.

We have done that. Every one of these pieces of legislation have gone through the process. Now we are back. We are dealing with the five bills that the President decided to veto. And over a long period of time, and working with the White House and working with our colleagues on the other side of the aisle, we have pieced together what we need in this Nation to make this Nation work on an appropriations process for the next fiscal year.

For the past 30 years, our government has taken money out of the pockets of seniors and spent it on more wasteful Washington spending. Last February, our majority pledged to stop this raid on Social Security Trust Funds, and in this bill we have. Stopping the raid on Social Security is not just good news for our seniors, it is good news for our children who unfairly have been burdened with the national debt and paying the interest on that debt year after year, not only now but way into the future.

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With this bill's passage today, we will be on target to pay down $131 billion of national debt in this fiscal year. When I arrived in Congress in 1987, the idea of passing a budget that would actually pay down $130 billion worth of debt would have been laughable, and even 5 years ago the thought of debt reduction was just that, a thought, but now it is a reality.

This bill also represents a huge victory for those in this chamber who have spent many years fighting for local control of Federal education dollars. We had a long debate with the White House, and the White House wanted more teachers, and we put $300 million more in for education than the White House asked for. But with that we asked, let us give our local school districts, let us give our parents, let us give teachers and let us give superintendents and those people we ask to take care of our local schools the flexibility to do the work that they have to do.

We did that in this bill. Working with the White House and the good work of the gentleman from Pennsylvania (Mr. GOODLING), we got the flexibility, even in the teacher bill, so teachers would be there, we would have the people to do the discipline and do the teaching and do the work, but if we did not need teachers, we could use that money to lift up the level and capability of the teachers we already have.

The debate over education has now changed. Instead of arguing about whether there should be local control of education dollars, we are now debating about how much local control there should be. There is money in this bill that can be used to hire more teachers and lower classroom size, but there is also flexibility in this bill. Parents and teachers will have more freedom to use this money as they see fit. Keeping more dollars and decisions in our classrooms is a victory for this Congress and a victory for our children.

This bill also takes a very important first step in eliminating government waste. Every year our government spends billions and billions of dollars, and we are saying in this bill, let us take 38 cents out of every $100 that the Federal Government spends and find waste and abuse. I think that is doable, and I think next year we ought to do the same thing, over and over again, because that is what the American people expect us to do.

The across-the-board spending cut in this bill will force the agencies of government to take a close look at their budget and see what frivolous spending can be eliminated. Taxpayers deserve to have their money spent responsibly, and this bill will save the American taxpayers from over $1 billion in excess spending.

I would like to take this opportunity certainly to thank the gentleman from Florida (Chairman YOUNG), and to thank the subcommittee chairmen on the various appropriations committees, and to thank the gentleman on the other side of the aisle who has led a gallant fight and an honest and straight fight for what he believes is right.

We do not put legislation like this together just at a whim. It takes a long time. It takes people standing up for their principles and their ideals. Sometimes we have different principles and we have different ideals; but at the end, we have a product that we can stand up for, that we can vote for, that we can be proud of.

It is amazing to think about what this bill actually does. It stops the raid on Social Security, it keeps the budget balanced, it pays down our national debt and it gives parents and teachers more control and better benefits to our children. It was not too long ago that these accomplishments were nothing more than broad goals.

So I encourage my colleagues to vote for this agreement, and let the American people know that this Congress is committed to fiscal discipline and sound policy, and as we open up the new millennium, the Year 2000, we can promise our seniors that their pension funds are secure, that their Social Security funds are secure, and our children are not going to have to pick up the interest on our debt that we have piled on their shoulders over the past years.

I ask for support on this bill.

Mr. STARK. Mr. Speaker, the DC Appropriations bill is the shell in which the Republican leadership has chosen to place the legislative kitchen sink, so the speak. This bill includes a myriad of provisions that have nothing to do with the District of Columbia—Interior Appropriations; Labor-HHS Appropriations; a Satellite Home Viewers Act; certain dairy provisions and, the bill about which I am here to speak today: The Medicare BBA Refinement Act.

The Medicare BBA Refinement Act is a sweet and sour bill—it is has good features and bad features.

First, the good features. The move toward prospective payment systems is continued. The arbitrary $1500 caps on rehabilitation services have been lifted for two years while we develop a better payment system. Medicare's coverage of immuno-suppressive drugs for transplant patients has been extended 8 months. Patients in hospital outpatient departments are protected against ever having to pay more than a single day's hospital deductible for the cost of the outpatient procedure. Today, patients face out-of-pockets costs $2000 to $3000 for certain outpatient procedures. Now, their costs will be limited to about $776.

And, I want to commend Chairman THOMAS for a bill which did not give away the future of Medicare. The lobbying pressures have been enormous. It would have been easy to bring forth a $30 or $40 billion bill. The bill is limited and generally—with some exceptions—directs its spending to the areas where there is the most evidence that some adjustment is needed.

Nevertheless, I voted against the bill when it first passed the House, because it was not paid for-and thus shortened the life of the Medicare Trust Fund about a year, and increased beneficiary Part B premiums by at least 50 cents a month.

It still is not paid for—and now reduces solvency by more than a year, and increases beneficiaries' costs by several billion dollars over the next five years, increasing premiums about a dollar a month. It spends about $16 billion of the Social Security surplus over the next five years, and $27 billion over ten years.

It didn't need to be this way. In the $212 billion a year Medicare program, there is fraud, waste, and abuse, and we could have saved several billion a year to pay for the relief that some providers needed.

I am most disappointed about the budget games that were played on the 5.7 percent hospital outpatient department issue—which is a $4 billion gift to hospitals. When the BBA passed, we meant to reduce payments to hospitals which had been shifting overhead costs to outpatient departments. It is the rankest Orwellian revisionist history to claim otherwise. But revisionist history is what has happened. So that neither the White House nor the Congress would be charged for the $4 billion gift, there has been an exchange of letters in which no one is 'scored' for the cost of spending $4 billion more. It is like manna from heaven, a miracle for which no one is responsible and no one has to pay.

Mr. Speaker, it is all phony, it is all a distortion of the budget process. The give-away to hospitals does cost money; $1 billion will come from seniors. Therefore, we should have been honest and paid for it. It is money that will not be available to save Medicare. It is money that comes out of the Social Security surplus. And that is the truth.

Mr. Speaker, this kind of dishonest budget game destroys faith and trust in government. Its true cost is much more than the $4 billion gift to hospitals.

There are other bad features. There is absolutely no hard proof that some of these providers need more money. In many cases, the Congress has just been rolled by lobbyists and major contributors.

Standards for Medicare managed care plans have been weakened. We continue to grossly overpay HMOs. The HMO industry that we beat in the Patient Bill of Rights has crept in the backdoor of this bill to weaken consumer protections and receive $4 billion dollars in overpayments.

I would vote no if this were a free-standing bill based on is merits alone. That decision is made even easier by the process used here today which compiled all of these unrelated, important bills into one gaint package in order to try to force members of Congress to vote yes. Well, that theory doesn't work on everyone. I vote no.

Mr. CROWLEY. Mr. Speaker, I rise today to talk about the DC Appropriations/Omnibus budget Conference Report. This conference report is a vast improvement over previously vetoed appropriations bills, yet in some instances falls, in my opinion, short of where we should be. I will support this legislation as it is a true compromise and will bring many benefits to the citizens of this country, funding valuable programs while having the small 0.38 percent across the board budget cut. While I believe this bill to be fiscally responsible, it does nothing to extend the life of Social Security. I strongly encourage the Republican leadership to bring up legislation early next year to extend the life of Social Security by ensuring its solvency.

The Omnibus covers much ground and I would like to touch on several important issues to my constituents. In the areas of Health and Human Services and Education, I feel it is important to highlight the support this Omnibus gives to our nation's teachers and our education system; to AIDS funding and NIH research in general; to family planning services; and to Medicare payment relief for our hospitals.

Overall, the Omnibus provides $39 billion for education programs. This is a 7 percent increase over Fiscal Year 1999. Importantly, the Class Size Reduction Initiative remained intact. The controversy about this program led to the President's veto of previous Labor/HHS appropriations bills. However, the $1.3 billion appropriated for class size reduction will in large part remain designated for that purpose. School districts will be permitted to use up to 25 percent of the funds for professional development, an increase over last year. Nonetheless, the majority of funding will remain targeted for its intended purpose—reducing the sizes of our children's classes. This funding was imperative for schools in my district and in New York City. Last year, New York City used its funding under the class size reduction initiative to fund the full salaries of 808 new teachers and to partially fund the salaries of an additional 788 early grade teachers. Had there been no funding for class size reduction, the city would have been unable to retain more than 1500 teachers. This is important in my district, which contains the most overcrowded school district in the city, CSD 24, operating at 119 percent over capacity. Overall, the funding New York City receives will reduce the class sizes for approximately 90,000 students—27 percent of its K–3 enrollment. While this is nowhere near enough—it is an important first step in improving the education for all K–3 children in New York City and across the country.

Another important program that this Omnibus funds is the 21st Century Community Learning Centers. This agreement appropriates $453 million for after-school centers, $253 million more than last year. After school centers are vital to keeping our children off the streets.

Our communities and schools are facing the fact that most families need to have two parents working full time to provide for their children. This leaves as many as 15 million school-aged children without supervision from the time school ends until the time their parents arrive home from work. After-school programs provide school-age children whose parents both work a supervised environment providing constructive activities. Such a structured setting makes these students less likely to use alcohol, drugs, and tobacco, commit crimes, receive poor grades, and drop out of school. No one in my district, or in the nation, wants to see children go home to empty houses or apartments, or worse yet, succumb to anti-social activities on the street.

The 21st Century Community Learning Centers program allows schools to address the educational needs of its community through after-school, weekend, and summer programs. After school programs enable schools to stay open longer, providing a safe place for homework centers, mentoring programs, drug and violence prevention programs, and recreational activities. Additionally, after school programs enhance learning, increase community responsibility, and decrease youth crime and drug use. I fully support the increase in Fiscal Year 2000 funding for the 21st Century Community Learning Centers program and only wish the there was more funding to enable more schools to provide this much needed service to our communities.

The Omnibus also increases funding for Head Start programs by 13 percent, bringing funding for Fiscal Year 200 to $5.3 billion. As you know, Mr. Speaker, the Head Start Program was instituted in 1965 and has been reauthorized through 2003. Head Start funds are provided directly to local grantees and the programs are locally designed and administered by a network of 1600 public and private nonprofit agencies. Head Start has been an unequivocal success. A 1995 report by the Packard Foundation presented evidence that high quality early childhood education for low-income children produces long-term educational, economic, and societal gains. I have one such program in my district, The Little Angels Program run by the Archdiocese of the Bronx, which exemplifies the mission of the head start program and success of the Head Start program. Little Angels provides comprehensive early childhood development, education, health, nutrition, social and other services to low income preschool children and their families. I applaud the leadership for continuing to support this essential early education and development program.

Under Health and Human Services programs, we once again expressed our support for the research being done by the National Institutes of Health, as well as AIDS programs and family planning. Overall, the Omnibus provides a 15 percent increase over Fiscal Year 1999 for NIH, bringing its funding to $17.9 billion. This majority of this money will be seen by NIH researchers this year, rather than being until September 29, 2000, as originally reposed by the Republican leadership. Imagine the impact of not funding research projects for almost an entire year. A year without cancer research, diabetes, lupus, this list goes on and on. Every day important break-throughs happen, and I am happy the Republican leadership did not sacrifice health research to balance the budget.

I am also heartened by the support for Ryan White AIDS program, which will receive $1.6 billion in funding, a 13 percent increase from last year, and $44 million more than the last Labor/HHS bill. We all know the battle we face against AIDS an HIV, the virus that causes AIDS. In 1998, the Center for Disease Control reported that 665,357 persons were living with the AIDS virus and CDC estimates that 650,000-900,000 American live with the HIV virus. Sadly, so far 401,028 individuals have not survived their battle with AIDS. However, we all know that due to lack of reporting or lack of knowledge on the part of individuals and states, that these numbers are low respsentations of the actual number of those living with HIV and AIDS.

In New York, the crisis is particularly acute. In 1998, there were 129,545 thousand reported AIDS cases and 80,408 reported AIDS deaths. New York City AIDS cases represent over 85 percent of the AIDS cases in New York State and 17 percent of the national total with 109,392 AIDS cases and 67,969 AIDS related deaths as reported in 1998.

My own Congressional District spans two Boroughs in New York City with rapidly growing AIDS cases. In the Bronx, the Pelham and Throggs Neck area covered by the 7th Congressional District has report 3,045 AIDS cases and 1,957 deaths due to the AIDS virus in 1998. In Queens, a Borough with a rapidly growing population, there are 6,962 AIDS cases and 4,082 known dead from AIDS related causes as reported in 1998.

Sadly, this horrible disease has disproportionately affected minorities. The majority of individuals living with AIDS in New York City are people of color. African Americans are more than eight times as likely as whites to have

HIV and AIDS, and Hispanics more than four times are likely. The most stunning fact I have read comes from the U.S. Department of Health and Human Services in October of 1998, when they reported that AIDS is the leading killer of black men age 25-44 and the second leading cause of death for black women aged 25-44. Together, Black and Hispanic women represent one fourth of all women in the United States but account for more than three quarters of the AIDS cases among women in the country.

I know we are making progress, Mr. Speaker. The number of AIDS cases reported each year in Queens and the Bronx is on the decline. This is in large part to the bipartisan commitment by the House of Representatives to funding research at NIH and programs through the department of Health and Human Services. Now that we have had breakthroughs in treatment of HIV and delaying the onset of full blown AIDS, we must concentrate more of our effort on prevention and treatment programs. These programs are especially important for minorities, who are so disproportionately affected by this disease, and I fully support the inclusion of $138 million for early intervention programs in this Omnibus bill.

In my District, there is an organization that is actively reaching out to the community, both in treatment and services for AIDS sufferers and preventative education for the community. Steinway Child and Family Services, Inc., serves many areas in Queens that are devastated by high incidences of AIDS. The majority of these people are low-income minorities who have historically received little, if any, assistance due to low levels of funding.

Steinway's CAPE program (Case Management, Advocacy, Prevention & Education) offers services to people who have contracted HIV, increases general public awareness of the methods of HIV transmission, and provides targeted outreach services to people considered ''at risk.'' Steinway's Scattered Site Housing program located dwellings in Queens for homeless persons with AIDS and their families. It is currently the largest program of its type in the country. I am proud that this Omnibus includes $50,000 in funding for Steinway's CAPE program.

Another area addressed by the Omnibus is family planning within Title X programs. On October 26, I sent a letter to President Clinton, signed by 53 of my colleagues, expressing our support for Title X of the Public Health Service Act, the only federal program devoted solely to the provision of high quality contraceptive care to almost five million low-income Americans. Title X has had a tremendous impact over the years on reducing rates on unintended pregnancy and abortion as well as improving maternal and child health. Primary care services provided by clinics receiving Title X funds range from contraceptive supplies and services to breast and cervical cancer screening, to anemia testing and STD/HIV screening.

I laud the Administration and the Republican leadership for appropriating $239 million to the Title X Family Planning program. This is a $24 million increase from last year. However, I must express my disappointment with the majority on adding a provision to the Commerce-Justice-State section of the Appropriations conference report, which allows physicians to refuse to ''prescribe'' contraceptives on the basis of moral or religious beliefs. This is in complete opposition to the provision passed by recorded vote in the FY 2000 Treasury Postal Appropriations that provides contraceptive coverage to federal employees covered by the Federal Employee Health benefits Plan.

Mr. Speaker, I also want to take a moment to address the measure which would give hospitals, nursing homes, home health care agencies and other health care providers relief from cuts in Medicare payments that were enacted in the 1997 Balanced Budget Act.

This agreement provides an estimated $12.8 billion over five years in additional Medicare payments for hospitals, home health care agencies, managed care plans and other health care providers to help them restore the 5.7 percent cut in payments to hospital outpatient departments suffered as an unintended result of the Balanced Budget Agreement of 1997. Additionally, I am happy that the conference committee was able to remove the egregious provision in the House passed version that would have severely impacted New York City's teaching hospitals. Rather than take away much needed funds from teaching hospitals that are perceived as receiving a higher share of funds, the conference agreement reduces inflation adjustments for hospitals with high doctor training costs. This cut is less than the original Subcommittees bill, which in turn is less devastating to our hospitals. I urge Congress to revisit this issue in the next year.

Finally, this Omnibus bill will also fund a number of key environmental priorities while at the same time deleting several of the anti-environmental amendments that would have been detrimental to the health and quality of life of my constituents in Queens and the Bronx.

I salute the conferees for providing funding for the Land and Water Conservation Fund (LWCF). Although the Congress was unable to provide all of the resources requested by the White House, the approximately $470 million allocated for land acquisition, preservation and conservation is a solid first step.

It is my hope that next year, we will be celebrating the passage of the Conservation and Reinvestment Act (CARA) which will provide even more badly needed funds for the Land and Water Conservation Fund, urban parks and historic and wildlife preservation. These additional resources will greatly assist the people of my district. As the only New York member of the House Committee on Resources, I will continue my responsibility to the people of my state in fighting for key environmental projects like the LWCF.

Further, I am pleased that the Urban and Community Forestry Program at the Department of Agriculture continues to receive stable funding under this measure. Over the last four years, the Urban and Community Forestry program (U&CF) has provided more than $1 million to contain and prevent further tree loss associated with Asian Longhorned Beetle outbreak in New York City. That includes providing specially trained smoke jumpers to assist city foresters in checking the tops of trees for beetle infestation where they are more difficult to detect. U&CF has also provided technical assistance to help city officials plant and care for trees that are resistant to the beetle to prevent future outbreaks. We've lost over 1400 trees in Queens alone from the Asian Longhorned Beetle, with more trees being infested. This is why the Urban and Community Forestry program is so important. It aims to provide increased green space and shade for our urban residents.

Additionally, this bill does not include some of the more troublesome riders that were feared to be included in this Omnibus bill. Specifically, there are no restrictions on the ability of the State of New York or the Federal government to sue coal-fired power plants in the Midwest that fail to comply with major modifications provisions of the Clean Air Act.

Furthermore, I am pleased that an amendment I offered to the original Interior bill last summer pertaining to urban minorities and their ability to receive grants from the National Endowment for the Arts was included in this final budget bill. My amendment would include urban minorities among the traditionally ''underserved populations'' who are given priority for services from the National Endowment for the Arts or awarding the NEA's financial assistance for projects and workshops that serve these communities.

My language specifies that ''underserved populations'' including African Americans, Latino Americans, Asian Americans, and other minority communities that are located in urban areas should have equal access to Federal arts funding.

This amendment will ensure that all Americans will have equal access to the arts and will fulfill the NEA's mission to guarantee that no person is left untouched by the arts. Projects targeted at urban youth will greatly help keep these young people off the streets, and away from the lure of drugs and crime. The arts also help to break down barriers, bring communities together, and offer hope.

In conclusion, Mr. Speaker, the positive funding increases outweigh the short amount of time and offsets of this Omnibus bill. Therefore, I support the measure and urge its passage by the House of Representatives.

Mr. CASTLE. Mr. Speaker, I rise today in support of the conference report to H.R. 3194, the FY2000 District of Columbia Appropriations Act. This legislation encompassing the five remaining appropriations bills for fiscal year 2000—the Commerce, Justice and State appropriations bill, the District of Columbia appropriations bill, the Foreign Operations appropriations bill, the Interior appropriations bill, and the Labor, Health and Human Services and education appropriations bill—is a good compromise that will address our Nation's domestic and foreign policy priorities while retaining fiscal discipline.

While I am concerned with the budget gimmicks that are being used to mask the size of the overall spending in this package, I will support the legislation because I believe that overall, this legislation will maintain a balanced budget and keep us on track toward budget surpluses in the future. This legislation represents an attempt to do something that other Congresses never attempted to do. By resisting the historic temptation to spend the Social Security surplus, we have changed the terms of debate in Washington. Future Congresses will now work to maintain a balanced budget and protect all of the Social Security trust fund surplus.

Following the 1994 election, Congress inherited a projected four-year budget deficit of $906 billion. In response, Congress with a Republican majority, worked to limit the growth of Federal spending and the President joined us in the 1997 balanced budget agreement. Limits on the growth of Federal spending and the

continued strong performance of our economy helped to produce a net surplus of $63 billion in the Federal budget in fiscal years 1996 through 1999. In fiscal year 1999 the Federal Government enjoyed a $123 billion surplus, and the surplus is growing as we begin fiscal year 2000. Congress has ended the discretionary spending frenzy of the late 1980's and early 1990's and Federal spending is more responsible today.

With the goal of protecting the Social Security trust fund surplus, Congress is holding the line on expanding Government programs and is finally starting to pay down the national debt. We are accomplishing these goals while still meeting basic governmental responsibilities such as increasing Medicare payments to our hospitals and nursing homes by approximately $12 billion over five years, increasing funding or education and health care programs, and paying the United States overdue commitments to the United Nations. This legislation meets the basic needs of our country in a responsible manner.

To help meet our goal of limiting the growth of Federal spending, his legislation includes a 0.38 percent across-the-board spending reduction which applies to all thirteen annual appropriations bill, saving taxpayers about $1.3 billion. I support this type of ''belt tightening.'' The Federal Government should find savings in every program to demonstrate to our constituents that the Federal Government can cut waste and operate more efficiently. I know from my days as Governor of Delaware that every government agency can and should be required to eliminate unneeded costs.

When Republicans became the majority party in Congress in January 1995, we promised to reform and improve our education programs to ensure that they help all children reach their full academic potential—regardless of their economic status or other personal challenges. According to the nonpartisan Congressional Research Service, in 1995 spending for elementary and secondary education programs totaled almost $15 billion, with all Department of Education programs funded at $32.3 billion (fiscal year 1995).

Since 1995, the House Education Committee, on which I serve, has worked to provide unprecedented accountability and flexibility in the operations of these programs. That effort paved the way for the bill the House of Representatives will consider today. I am pleased to report that this final appropriations bill provides $21 billion for elementary and secondary education programs and $39 billion for all Department of Education Programs—increases of 44 percent and 21 percent over fiscal year 1995 respectively.

Most important, this bill provides very generous funding for those programs that help all children receive a quality education. Specifically, it provides $8.7 billion for Title 1, the program that helps educate our most disadvantaged students—an increase of $265 million over fiscal year 1999. In addition, State grants for the education of children with disabilities are increased $700 million over fiscal year 1999, bringing the total to $5.8 billion. While this increase will not fully fund the Federal Government's share for the education of our disabled children, it will increase the per pupil contribution to 13 percent—the highest level in the history of the program.

In addition, this bill increases the maximum Pell Grant for low-income college students to $3,300—$175 over fiscal year 1999. Finally, it provides $1.3 billion to help our local schools and school districts reduce class size but also provides the necessary flexibility to ensure that all teachers receive the training they need to impart a high quality education to our children.

This legislation also includes important funding for Health and Human Services programs, such as Medicare, Medicaid, family support services and health research. As part of our ongoing commitment to double biomedical research in five years, the appropriations bill provides $17.9 billion for the National Institutes of Health. This 15 percent increase over fiscal year 1999 will help ensure progress on all diseases, including diabetes and Alzheimer's. It also provides $3 billion, nearly $264 million more than fiscal year 1999, for disease prevention programs run by the Centers for Disease Control. This funding will help prevent those chronic illnesses that result in death and major disability.

Of particular importance to many of Delaware's hospitals, nursing facilities and other providers, this bill also incorporates the budget fixes of the Medicare Refinement Act. This language ensures that America's seniors will continue to receive high quality health care by correcting the funding concerns that inadvertently arose as the result of the Medicare reforms in the Balanced Budget Act of 1997.

I am particularly pleased to note that the annual Medicare rehabilitation therapy caps will be lifted entirely for the next two years. This will ensure that those with multiple ailments can get the treatment they need to fully recover while experts consider a better way to implement payment modifications that address the real needs of rehabilitation patients. I am also pleased to note that this bill increases access to cervical cancer screening through the use of pap smears. By increasing the Medicare reimbursement rate, we ensure that more women will get the screening they need to identify and treat problems before they become a threat to their health, their fertility or their lives.

I am disappointed that the compromise language in this bill does not reflect the Senate position on community health centers and the prospective payment system, as these organizations play an important role in the delivery of health care in Delaware. That said, I believe these changes are an improvement on current law and I hope that we can continue to move legislation to strengthen the delivery of services to our most at-risk populations.

This bill also goes a long way toward restoring protections for the environment that were absent when the Interior appropriations conference report passed the House without my support. Seven of the twenty-four anti-environmental riders added by the Senate were stripped and the remaining riders were significantly changed to reduce their threat to the environment. The congressional leadership was responsive to concerns I raised that Congress should not attempt to prevent EPA enforcement action against midwest electric utility companies whose emissions are polluting Delaware's air and water. The judicial system is fully equipped to give these companies their day in court to defend their actions. I am extremely pleased that this proposed rider was not included in the bill. Furthermore, the Interior appropriation bill increases funding for our national parks, our national wildlife refuges, and restoration efforts in the everglades. Finally, the Interior bill contains funding for a program of particular interest to Delaware—the stateside land and water conservation fund, which provides Delaware with funding for its state parks and environmental land acquisition programs.

One of the weaknesses of this package is in the Commerce, Justice, State appropriations bill. I opposed this bill when it passed the House because it designated $4 billion in funding to conduct the 2000 census as ''emergency'' spending that is not subject to the annual spending limits. Although an accurate census is important, it is not a true unanticipated emergency like a hurricane. Congress should responsibly budget for this and all future censuses. this budget gimmick led to a 7.8 percent increase in spending on this bill—far too much for a single year increase. Despite this short coming, I am pleased that the bill privided increased spending on anti drug programs, legal aid programs for the poor, and programs to combat violence against women.

Another highlight of this bill was its attention to the needs of farmers in the northeast. The bill provides additional funds for farmers affected by natural disasters, such as flood damage from Hurrican Floyd and crop loss from this summer's drought.

Furthermore, the bill contains measures to ensure that Delaware's dairy farmers are adequately compensated for the fluid mild they supply to milk processors.

Finally, this legislative package contains the Satellite Home Viewer Act which benefit thousands of Delawareans. Legislation has been added to eliminating outdated restrictions on satellite TV companies that prohibit them from carrying local network television stations. Many Delawareans who rely on satellites to receive quality TV reception must watch out-of-State news shows due to their restrictions. This legislation will bring them needed relief and allow them to be better informed about local, state, and regional events.

I strongly urge the congressional leadership and the President to institute measures to allow Congress to finish its work on these spending bills earlier in the year to avoid last minute deals that inevitably lead to more spending. Strong budget enforcement mechanisms, such as biennial budgeting and my proposal for a ''rainy day''account for emergency spending, should be considered in the next session.

Mr. Speaker, this is not a perfect piece of legislation. It contains compromises that were necessary to meet the President's demands and to reach agreement between Republicans and Democrats in Congress. Despite these compromises, this legislation maintains our hard-won commitment to fiscal responsibility and a balanced budget. This commitment to fiscal responsibility and a balanced budget. This commitment will help protect the Social Security trust fund and enable the rest of our Government to meet the needs of all Americans in a fiscally responsible manner.

Mr. KILDEE. Mr. Speaker, I rise to express my concern over one particular provision in the FY 2000 Omnibus Appropriations Act providing funding under the Elementary and Secondary Education Act's Title I program for school improvement and public school choice activities.

Specifically, this provision would provide $134 million in fiscal year 2000 to States, who

in turn would distribute 100 percent of this funding to school districts, for (1) activities to provide assistance to schools which are failing academically, and (2) public school choice for all children in schools which are identified as ''schools in school improvement'' under Title I of the Elementary and Secondary Education Act. While on its face, this provisions seem beneficial, I am concerned about its impact on Title I and our nation's schools.

The statutory language of this provision does not specify how funds are distributed from the State to school district level. Presently, 98.5 percent of Title I funds are distributed directly to the local level. In addition, Title I funds designated for the local, or school district level, have always been distributed via a targeted formula that provides the bulk of funding to the most disadvantaged areas. This provision's departure from the current statutory focus opens the door to the elimination of targeting funds to the local level—a dangerous step towards taking precious Federal funds away from those who instruct our children on a day to day basis. I expect the Department of Education to issue regulations or guidance which will target these funds to either the school districts with the highest numbers of schools in school improvement or through the existing Title I formula.

I also have concerns over the mandate in this provision to provide public school choice. I do want to make clear that I support public school choice as one of several tools which local school districts may implement in their efforts to improve student achievement. H.R. 2, legislation passed by the House earlier this year reauthorizing Title I, also recognized the need to include public school choice provisions in Title I, also recognized the need to include public choice provisions in Title I, but contained important provisions that would (1) tie the requirement to implement public school choice to local school board policy, and (2) ensure that school districts had adequate time to properly design public school choice plans by providing 18 months to implement such plans. In contrast, the provisions contained in this legislation would become effective immediately and are vague on whether local school board policy would be superseded. It is my expectation that the Department of Education will issue guidance or regulations which ensure that school districts can responsibly implement this mandate in adequate time.

It is my hope that we can continue to refine the policy that will be implemented through the enactment of this provision as we finish our work on ESEA.

Mrs. CAPPS. Mr. Speaker, I rise in support of this legislation.

The bill before us addresses a number of critical national and local priorities of which I will only highlight a few. It provides funding to continue putting 100,000 more teachers in our classrooms. It will also allow school districts to use some of that money to meet other critical educational needs like teacher training if those needs are more pressing. The bill also continues our commitment to put 50,000 more police officers on our streets to fight crime. I have been a strong supporter of the COPS program, seeing the benefits in numerous Central Coast cities like Santa Maria, Lompoc, Atascadero and Morro Bay.

This bill also provides more money to the hospitals, doctors, home health agencies and nursing homes that take care of seniors in the Medicare program. Cuts imposed by the 1997 Balanced Budget Act threaten the ability of critical Central Coast health care providers to serve our seniors and this bill restores some of that funding. The bill also contains some changes to the Medicare HMO program to encourage more coverage in underserved areas like the Central Coast. While I support these provisions, they don't go far enough and I will continue to push for legislation to raise reimbursement rates in rural counties like San Luis Obispo and Santa Barbara.

Mr. Speaker, there are three provisions of particular importance to my district that I would like to highlight. First, this legislation contains $100,000 for Santa Barbara's Computers for Families organization. Run by the highly respected Santa Barbara Industry Education Council and the Santa Barbara Office of Education, DFF refurbishes old computers and gets them into the homes of low-income families. This valuable program helps open the doors of opportunities for all in our community and this expansion will enable CFF to bring this critical technology to more needy families.

The bill also provides $50,000 for the San Luis Obispo County Medical Society which, in conjunction with the Volunteers in Health Care program and pharmaceutical companies, will provide prescription drugs for some underserved seniors. Ensuring seniors' access to prescription drugs has been a priority of mine and this small program will help many needy seniors obtain the drugs they need to live a quality life.

Finally, this legislation authorizes a study of the beautiful Gaviota Coast in Santa Barbara county. This will allow the National Park Service, working in conjunction with Central Coast ranchers and preservation groups, to determine how we can best protect one of the last undeveloped stretches of California's coast. This provision is based on the Gaviota Coast Act of 1999, which I introduced earlier this year.

I must note, however, that there are items in this legislation that I do not support. For example, the bill inappropriately restricts funding to international family planning organizations. This shortsighted provision will keep life saving family planning services from poor women around the world.

While the bill does increase funding at the National Institutes of Health and continues us on a track to double the agency's overall funding, it still delays some $4 billion in NIH funding until the end of the fiscal year. This delay will actually have the effect of cutting the increase in NIH funding and could slow critically important medical research.

I am also deeply disappointed in the process that has brought us a bill that funds nearly half of the government programs at one time. This process does not allow Members to properly study the details of the legislation. I fear that over the next several days and weeks we will be appalled at special provisions that have been tucked into this bill for special interests. Taxpayers deserve more respect from Congress in the way it spends their money. This is not the way the House should do business. I urge the leadership of this House to begin work today on a bipartisan basis to ensure that we do not end up in this position again next year.

Mr. Speaker, this bill is far from perfect. I have serious reservations about the process and I oppose certain provisions in the bill. But, on balance, it represents a good compromise and I urge its adoption.

Mr. BLUMENAUER. Mr. Speaker, I will vote against the Omnibus Budget Agreement because it continues a pattern of budgeting which I feel undermines the confidence and credibility of the American public in one of the most important congressional responsibilities we have—managing the people's money.

I opposed the 1997 Balanced Budget Agreement because it was clear there was no intention of implementing it. It was a ruse. Last year, there was $35 billion in excess spending at the last minute omnibus bill. This year, there is no more time for analysis, and the amount of money that is being gimmicked, manipulated and spent in violation of the budget rules is up to $45 billion.

While there is much in the bill that I support, and while it has been made better due to heroic efforts on the part of the Administration and the House Democratic leadership, it still falls far short of the mark to which Congress should be accountable. I continue to hope that the day will come when the budget process is transparent, not larded with unfortunate spending decisions and is done in a fashion that both Congress and the people we represent can follow what we're doing. Until that day, I feel it appropriate to vote no.

Mr. SERRANO. Mr. Speaker, I rise in support of the conference report, and, in particular, of the final agreements on the programs of the Commerce, Justice, and State Departments, the Judiciary, and the related agencies under our Subcommittee's jurisdiction.

This has been a difficult process, Mr. Speaker, with more perils than Pauline, but at each step of the way the Commerce-Justice bill has been improved, first under the capable leadership of our Chairman, the gentleman from Kentucky (Mr. ROGERS) and finally in negotiations with the Administration.

I must repeat what others have already said, that the Committee and Subcommittee chairmen and ranking Democrats, our staff, and the President's staff have worked long and hard, day and night, weekday and weekend, to get us to this point. And don't forget that the staffs often stay hours longer when members go home. We owe the staff an enormous debt of gratitude.

Mr. Speaker, Chairman ROGERS has explained our part of this package, but I will just note that there is more money for COPS, for SBA, for NOAA, for various civil and employment rights activities, and that most of the President's funding priorities have been addressed.

Of special importance, in my view, is that the resources and authority are provided to let the U.S. pay a substantial portion of the arrears due the UN. This avoids loss of our vote in the UN General Assembly and enhances our leverage over both UN policies and activities in the world and the management of the UN itself.

But the price for this victory may be the lives and health of women all over the world. This is very troubling.

We were not able to include a Hate Crimes provision, but I hope this issue can be taken up in the next session.

Mr. Speaker, the procedure used to create this wrap-up bill was most unusual, and while I know there are very positive provisions in the bigger package, there are also sins of both

omission and commission that have been discovered. But I wonder what sins may still be hidden from view since few have had the chance to read it through.

For my part, however, I believe that our work has mostly been well done and I intend to support the conference report.

Mr. NADLER. Mr. Speaker, I rise today, as a member of the Judiciary Committee, to express my support for the American Inventors Protection Act of 1999, which is included as Title IV of the Intellectual Property and Communications Omnibus Reform Act. This act is included in the Omnibus spending package, H.R. 3194, that we are considering today.

This patent reform measure includes a series of initiatives intended to protect the rights of inventors, enhance patent protections and reduce patent litigation. Perhaps most importantly, subtitle C of title IV contains the so-called ''First Inventor Defense.'' This defense provides a first inventor (or ''prior user'') with a defense in patent infringement lawsuits, whenever an inventor of a business method (i.e., a practice process or system) uses the invention but does not patent it. Currently, patent law does not provide original inventors with any protections when a subsequent user, who patents the method at a later date, files a lawsuit for infringement against the real creator of the invention.

The first inventor defense will provide the financial services industry with important, needed protections in the face of the uncertainty presented by the Federal Circuit's decision in the *State Street* case. *State Street Bank and Trust Company* v. *Signature Financial Group, Inc.* 149 F.3d 1368 (Fed. Cir., 1998). In *State Street,* the Court did away with the so-called ''business methods'' exception to statutory patentable subject matter. Consequently, this decision has raised questions about what types of business methods may now be eligible for patent protection. In the financial services sector, this has prompted serious legal and practical concerns. It has created doubt regarding whether or not particular business methods used by the industry—including processes, practices, and systems—might now suddenly become subject to new claims under the patent law. In terms of every day business practice, these types of activities were considered to be protected as trade secrets and were not viewed as patentable material.

Mr. Speaker, the first inventor defense strikes a fair balance between patent law and trade secret law. Specifically, this provision creates a defense for inventors who (1) acting in good faith have reduced the subject matter to practice in the United States at least one year prior to the patent filing date (''effective filing date'') of another (typically later) inventor; and (2) commercially used the subject matter in the United States before the filing date of the patent. Commercial use does not require that the particular invention be made known to the public or be used in the public marketplace—it includes wholly internal commercial uses as well.

As used in this legislation, the term ''method'' is intended to be construed broadly. The term ''method'' is defined as meaning ''a method of doing or conducting business.'' Thus, ''method'' includes any internal method of doing business, a method used in the course of doing or conducting business, or a method for conducting business in the public marketplace. It includes a practice, process, activity, or system that is used in the design, formulation, testing, or manufacture of any product or service. The defense will be applicable against method claims, as well as the claims involving machines or articles the manufacturer used to practice such methods (i.e., apparatus claims). New technologies are being developed every day, which includes technology that employs both methods of doing business and physical apparatus design to carry out a method of doing business. The first inventor defense is intended to protect both method claims and apparatus claims.

When viewed specifically from the standpoint of the financial services industry, the term ''method'' includes financial instruments, financial products, financial transactions, the ordering of financial information, and any system or process that transmits or transforms information with respect to investments or other types of financial transactions. in this context, it is important to point out the beneficial effects that such methods have brought to our society. These include the encouragement of home ownership, the broadened availability of capital for small businesses, and the development of a variety of pension and investment opportunities for millions of Americans.

As the joint explanatory statement of the Conference Committee on H.R. 1554 notes, the provision ''focuses on methods for doing and conducting business, including methods used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of services, or in the form of some other useful results; for example, results produced through the manipulation of data or other inputs to produce a useful result.'' H. Rept. 106–464, p. 122.

The language of the provision states that the defense is not available if the person has actually abandoned commercial use of the subject matter. As used in the legislation, abandonment refers to the cessation of use with no intent to resume. Intervals of non-use between such periodic or cyclical activities such as seasonable factors or reasonable intervals between contracts, however, should not be considered to be abandonment.

As noted earlier, in the wake of State Street, thousands of methods and processes that have been and are used internally are now subject to the possibility of being claimed as patented inventions. Previously, the businesses that developed and used such methods and processes thought that secrecy was the only protection available. As the conference report on H.R. 1554 states: ''(U)nder established law, any of these inventions which have been in commercial use—public or secret—for more than one year cannot now be the subject of a valid U.S. patent.'' H. Rept. 106–464, p. 122.

Mr. Speaker, patent law should encourage innovation, not create barriers to the development of innovative financial products, credit vehicles, and e-commerce generally. The patent law was never intended to prevent people from doing what they are already doing. While I am very pleased that the first inventor's defense is included in this legislation, it should be viewed as just the first step in defining the appropriate limits and boundaries of the State Street decision. This legal defense will provide important protections for companies against unfair and unjustified patent infringement actions. But, at the same time, I believe that it is time for Congress to take a closer look at the State Street decision. I hope that next year the Judiciary Committee will consider holding hearings on the State Street issue, so that Members can carefully evaluate its consequences.

Mr. CLAY. Mr. Speaker, I am pleased this Omnibus bill rejects the devastating cuts on seniors, children, and young adults proposed only last month by the Republican majority. The Labor/HHS portion of this bill, which adds $7.3 billion over last year's bill, more appropriately reflects the overwhelming public support for increased investment in education and fairness in the workplace.

I am particularly pleased that the Conferees decided to continue funding the Clinton/Clay Class Size Reduction Program, which will hire 100,000 new, highly qualified teachers nationwide. I am particularly pleased that the Conferees rejected the Republican plan to divert class size funds into block grants, which could have been used for private school vouchers and purposes unrelated to class size reduction.

The Conference report provides an increase from $1.2 billion to $1.3 billion for class size reduction, it continues class size reduction as a separate program, and it ensures that such funds are targeted to the neediest public schools. The agreement also includes the Democratic plan to ensure that all teachers become fully certified, and it continues the program's flexibility to use funds for teacher recruitment and professional development in order to reduce class sizes.

It also provides new provisions, strongly advocated by President Clinton, that allows $134 million in Title I funds to be used to improve low-performing schools.

The conference report also increases investment in critical education and labor initiatives above the last conference agreement. It provides $454 million for After School Centers, an increase of $154 million over the vetoed bill and $254 million over 1999. It provides $8.6 billion for Title I grants for the disadvantaged, an increase of $144 million over the vetoed bill and $265 million over 1999. It provides $136 million for Historically Black Colleges and Universities, an increase of $7.25 million over the vetoed bill and $12.7 million over 1999. It also provides $7.7 billion for Pell Grants to fund a maximum award of $3.300—the same as the vetoed bill and a $175 increase over 1999.

In the Labor area, the bill provides $11.3 billion—$54 million over the vetoed bill, and $389 million over 1999.

I urge support for the bill.

Mr. PAUL. Mr. Speaker, I wish to take this opportunity to express my agreement with language contained in the report accompanying H.R. 3075, which was included in the Omnibus Appropriations bill, encouraging the Secretary of Health and Human Services to allow home health agencies to use technology to supervise their branch offices. This language also calls on the government to allow home health agencies to determine the adequate level of on-site supervision of their branch offices based on quality outcomes. I need not remind my colleagues that Congress is expecting home health agencies to operate efficiently under greatly reduced Interim Payment System (IPS) and Prospective Payment System (PPS) reimbursement. It is therefore necessary that home health agencies be allowed

the flexibility to establish and serve large service areas by utilizing cost efficient branch offices.

My district includes many rural areas which are experiencing access problems due to the Health Care Financing Administration's (HCFA's) home health branch office policies affecting time/distance limitations and on-site supervision requirements. In many cases, these requirements do not recognize technology advances. In order to ensure that senior citizens in rural areas have access to quality home care, it is vital that any regulations on home health care branch offices promulgated by the Health Care Financing Administration (HCFA) evaluate the offices by quality of outcome instead of arbitrary administration requirements and restrictions.

In conclusion, Mr. Speaker, I reiterate my support for the report language accompanying H.R. 3075 urging the use of outcome instead of arbitrary requirements and restrictions, to determine a home health care agency's ability to establish and supervise branch offices.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to H.R. 3194, the Omnibus Appropriations Bill of 1999. This bill is a travesty, a massive symbol of the failure of this Congress to accomplish its most basic goal—passage of the 13 appropriations bills by September 30, the end of the fiscal year—on time and in order. Instead, we have lumped together numerous pieces of legislation, as well as five appropriations bills, and slapped them together like a giant Thanksgiving turkey to present to the American people.

The process by which we come to this vote on this House. This bill—over a foot high, hundreds of pages thick and in its final form with only a few copies available to all 435 members—was filed at 3:00 a.m. this morning. Members of this Chamber have not had the opportunity to read or even review this legislation. No one knows what kind of special-interest boondoggles lie in the text of this bill, and no one will know for days to come.

The majority in this House even voted to suspend the rules that govern the budget process by forbidding the Congressional Budget Office to 'score' this bill, which would let members know just how much all of these provisions will cost the taxpayers. According to the last CBO estimate of this bill, the majority would pass a bill that breaks their promise to leave untouched the Social Security Trust Fund. CBO recently said this bill would use $15 to $17 billion of the Trust Fund—and who knows just how much this Congress will raid from the Trust Fund once this bill in its final form is enacted.

Finally, it exceeds all of the budget caps put into place in 1997 to balance the federal budget, stretching credibility and the imagination by declaring things like the Head Start program—begun in 1964—as an 'emergency,' along with the census, operations of the Pentagon and other basic functions of government. If we intend to 'bust the budget caps' and declare them obsolete now that we have a budget surplus, we should do so in an honest way and be straight with the American people.

There are some good provisions in this legislation, along with the bad provisions. It provides the President with his priorities of 100,000 new teachers and tools to create smaller teacher/student classrooms; 50,000 more police on America's streets; and a much-needed pay raise for military personnel.

However, there is no reason why this Congress could not have passed these initiatives in a deliberative manner with full debate in this House, instead of in this format. Instead, the majority has cobbled together a massive Thanksgiving turkey of a bill, to present to the American people in one whole form to avoid the scrutiny that would mean the death of some of the more controversial provisions in this legislation. These are the same leaders that told the American people that if they were in charge they would pass a budget on time, with 13 appropriations bills passed separately, without spending any of the Social Security Trust Fund. Their failure to keep their word has resulted in this bill, which I urge my colleagues to oppose.

Ms. STABENOW. Mr. Speaker, I rise today in opposition to this bill and the process that brought it to the floor. My primary concerns are that we have not received sufficient guarantees that the Social Security surplus is protected, and we have not extended the Social Security Trust Fund for even one day. Prior to consideration of this package, the Congressional Budget Office certified that Congress was on pace to spend $17 billion from the Social Security Trust Fund in Fiscal Year 2000. Given that the offsets in this bill do not reach this level, and that this bill relies on numerous questionable budget gimmicks geared to mask the overall effect on Social Security, I cannot support it. At the same time, there are numerous examples of wasteful, unnecessary spending projects—money that would be better spent on Social Security and Medicare.

What makes the above problems all the more tragic is that there are many positive aspects to this measure. As a sponsor of the COPS 2000 legislation, which will authorize the placement of 50,000 additional police officers on our streets, I am especially pleased that a down payment on this funding is included in this bill. In addition, money to add 100,000 new teachers to our schools to reduce class size is also included, as well as an increased commitment to the Lands Legacy Initiative, which will protect our natural areas. I voted for funds to help implement the Wye River peace agreement when they were considered previously, and I would like to be able to vote for them today. This bill restores resources, at least modestly, to our hospitals, nursing homes, and home health facilities that have been negatively impacted by the Balanced Budget Act of 1997, but it does not do enough to solve the long term problems with Medicare reimbursement levels. I have been a leader of this effort, and I voted for similar provisions when they passed the House a few weeks ago. But I said at that time that more needed to be done to adequately address unfair cuts in Medicare. This budget puts pork barrel projects before funding for home health care, hospitals and nursing homes, and this is wrong.

Mr. Speaker, this Congress opened with a bipartisan commitment to preserving the integrity of the Social Security system. This budget does not live up to that commitment. Protecting and strengthening Social Security and Medicare are top priorities for the families I represent and this budget does not pass the test. I urge my colleagues to oppose this legislation.

Mr. BENTSEN. Mr. Speaker, I rise today in support of the conference report on the omnibus Fiscal Year 2000 Appropriations Bill for the District of Columbia, the Departments of Labor, Health and Human Services, Education, Commerce, Justice, State, Interior, and Foreign Operations.

Unfortunately, Mr. Speaker, the process which brought about this omnibus bill makes a mockery of regular order in this House. Over seven weeks into the new fiscal year, and requiring an array of accounting gimmicks purporting to stay within the budget caps, my colleagues on the other side of the aisle should be ashamed of themselves for bringing such a monstrosity forward at this eleventh hour. Filing conference reports at three in the morning and then insisting that we pass legislation which no one has had the opportunity to comprehensively review serves no useful purpose other than to convey to the American people how incapable the majority is of effectively governing. Their display of ineptitude is, however, a perfect ending to a session of Congress that will long be remembered as one of missed opportunities to address the needs of Americans. Included in this graveyard of dead legislation are such important initiatives as a patients' bill of rights, prescription drugs for the elderly, and substantive reform of Medicare and Social Security.

This bill caps this Congress' departure from the 1997 Balanced Budget Act which I helped write and supported. Because of that bill and previous actions, the Nation today enjoys both a budget surplus and good economic times. Early in the year, however, the Republican Leadership determined to increase funding for defense, agriculture, education; much of it justified, but in excess of the 1997 caps. Rather than honestly explaining this to the American people, the Republican Leadership chose instead to engage in budget gimmicks and subterfuge as is evident today. Unfortunately, at this late hour, they have held hostage must-pass initiatives related to health care, general government, foreign policy and education. Because of that fact, and the fact that we continue to maintain a balanced budget and dedicate the vast majority of the projected surplus to debt reduction, I will support this conference report. Many of the items contained in the bill are too important to be allowed to lapse.

For instance, this bill includes clarifications and corrections to the Medicare changes contained in the 1997 Balanced Budget Act which exceeded spending reduction targets at the expense of our seniors and teaching hospitals. This bill provides $12.8 billion over five years in new funding for Medicare reforms which are necessary and vital to the health of our nation's senior citizens.

Specifically, these provisions include a section based upon legislation, H.R. 1224, which I have sponsored, along with Representative CARDIN, to ensure fair and equitable Medicare funding for residents being trained to be physicians. Section 541 of Title V of this bill would, for the first time, ensure that teaching hospitals, such as those at the Texas Medical Center, will receive higher Medicare reimbursements for their physician residents. Under current law, these graduate medical education resident payments are based upon hospital-specific costs. As a result, teaching hospitals in Texas currently receive as much as six times less than those paid to hospitals in New York. This

provision would fix this equity by establishing three new tiers of payments for residencies. For those teaching hospitals whose payments are more than 40 percent above the national average, their GME payments would be frozen for Fiscal Year 2001 and 2002. From Fiscal Year 2003 to 2005, their payments would be reduced by a factor of market basket minus 2 percent. For those hospitals whose payments are less than 40 percent of the national average, their payments would be increased to at least 70 percent of the national average.

This bill also includes a modified version of legislation, H.R. 1483, which I have sponsored, along with Representative CRANE, to provide graduate medical education funding for nursing and paramedical education programs. Under existing law, Medicare payments for nursing and paramedical graduate medical educational programs are based upon the number of traditional Medicare patients seen at these teaching hospitals. As more Medicare patients enroll in Medicare managed care plans, many of these patients are no longer seen at these facilities. As a result, teaching hospitals receive less funding for these nursing and paramedical programs. H.R. 1483 would carve out a portion of the payment paid to Medicare managed care plans and transfer these funds to those hospitals with these teaching programs similar to the manner in which physicians training programs are paid. Under this conference report, teaching hospitals with nursing and paramedical teaching programs will receive $60 million in new funding. Regrettably, this funding will not come from Medicare managed care plans. Rather, this funding would be transferred from physicians training programs. As a result, teaching hospitals with both physician and nursing training programs will receive no new net funding. I will continue working to restore to original funding stream so that Medicare managed care plans contribute toward the cost of these training programs.

Other important Medicare provisions include adjustments to ensure the higher costs of training our nation's physicians. This provision would increase Medicare reimbursements for Indirect Medical Education (IME) costs. The conference report provides an IME reimbursement of 6.5 percent in Fiscal Year 2000, 6.25 percent in Fiscal Year 2001, and 5.5 percent thereafter. Under existing law, these IME payments would be reduced to 5.5 percent. These provisions are estimated to save hospitals $700 million over five years.

I am also pleased that this conference report includes language to provide higher reimbursements for pap smears. Under existing law, Medicare reimbursements for pap smears are $7.15 each. This bill would increase this reimbursement level to $14.60 per pap smear. This reimbursement level has not been increased for many years and will help to ensure that senior citizens receive this important preventive health test. This provision also covers the new pap smear technology so women would be eligible to receive these state-of-the-art tests which have a better record of finding and diagnosing ovarian cancers. The Congressional Budget Office estimates that this provision will cost $100 million over five years and $300 million over ten years. I am pleased that Congress has decided to provide the investment for many women whose lives will be saved by this test.

This conference report also includes a provision to ensure that the State of Texas can keep $27 million to help states conduct outreach identifying Medicaid eligible children. The State of Texas has the highest uninsured rate of 24.5 percent of its population. The Texas Department of Health has determined that 800,000 of the 1.4 million uninsured children are eligible for, but not enrolled in, Medicaid. Under existing law, the State of Texas and other states would lose up to $500 million on December 31, 1999 because of a sunset provision in the Welfare Reform Act of 1995. This measure eliminates this deadline while ensuring that the State of Texas get the resources it needs to identify and enroll Medicaid-eligible children.

The conference report further includes $150 million in Medicare reimbursements for immunosuppressive drugs. Under existing law, Medicare beneficiaries can only receive three years of immunosuppressive drugs following a lifesaving transplant operation. However, all of these patients must take these drugs indefinitely. I have cosponsored legislation, H.R. 1115, to eliminate this 3-year restriction. The conference report would provide eight months of additional coverage for these life-sustaining drugs in Fiscal Year 2001 and 2002. In addition, this funding permits the Secretary of Health and Human Services to extend this coverage up to $150 million over five years. Although the 3-year restriction was not eliminated, I believe that this extension is important because it means that Medicare beneficiaries can receive the prescription drugs they need. For many Medicare beneficiaries, these immunosuppressive drugs are extremely expensive and a financial burden. Many of these transplant operations are conducted at the teaching hospitals in my district at the Texas Medical Center. I will continue to work to extend this coverage indefinitely for those who need it.

As a Co-Chair of the Congressional Biomedical Caucus, I am pleased that this bill will provide a total of $17.9 billion, or $2.3 billion more for biomedical research at the National Institutes of Health (NIH). This fifteen percent increase is the second down payment on our efforts to double the NIH's budget over five years. This increase is necessary to ensure adequate funding for cutting-edge research such as the Human Genome Project being conducted at Baylor College for Medicine in my district. Currently, NIH funds only one in three of peer-reviewed medical research grants and many potential cures and treatments go undiscovered.

While I am grateful for the increase, I am concerned that the Republican majority continues to insist on a budget gimmick to delay up to $3 billion in NIH's budget until the final day of the next fiscal year. As a result, some medical research grants will be delayed. This is better than an earlier proposal to delay $7.5 billion, but it is still counterproductive to speed up research for cures to diseases like juvenile diabetes and AIDS.

I am also pleased that this conference report includes funding for a project which I have been working on to provide $500,000 for the Center of Excellence for Research on Mental Health (CMRH) to the University of Texas MD Anderson Cancer Center in my district. This Center would build upon the Institute of Medicine report issued earlier this year indicating that there is a disproportionate share of minority and medically under-served patients who suffer from cancer and other health related diseases. The CRMH would establish a multi-disciplinary center for excellence in basic, applied, and clinical research to help meet the unique health-related challenges of minority and under-served populations. The goal of this Center would be to improve the low mortality rate among minority and medically under-served populations, and to translate these methods to other minority and under-served areas nationwide.

This omnibus measure also contains language which I requested to help ensure that the National Institutes of Health (NIH) is conducting sufficient research on breast and ovarian cancer among women of Askenazi descent who carry the BRCA1 gene. There is an abnormally high incidence of breast and cervical cancer among Azkenazi Jewish women. This research will help to identify and isolate some of the reasons for this high incidence of cancer. This conference report urges the NIH to provide funding for a binational program between the United States and Israel establishing a computerized data and specimen sharing system, subject recruitment and retention programs, and a collaborative pilot research program.

I am also pleased that this budget agreement makes education a top priority by providing $1.3 billion to hire and train 100,000 new teachers to help lower class size in the early grades. This is truly good news for our children and for their future. We know that school enrollments are exploding and that record numbers of teachers are retiring. Every parent and teacher in America knows that a child in a second-grade class with 25 students will not get as much attention as he or she needs and deserves. Overall, this plan means more teachers with higher educational credentials—and for students, more individual attention and a better foundation in the basics. I am also pleased that this budget doubles funds for after school and summer school programs while supporting greater accountability for results by helping communities turn around or close failing schools.

This omnibus measure also strengthens America's role of leadership in the world by paying our dues and arrears to the United Nations, by meeting our commitments to the Middle East peace process, and by making critical investments in debt relief for the poorest countries of the world. Of critical importance is the $1.8 billion to fund the United States' commitment to the Wye River Agreement. For decades, the U.S. has worked with Israel—our most consistent Middle East ally—to provide the aid and military equipment necessary to defend itself against hostile neighbors. The funds appropriated in this year's budget send the message that the United States is a full partner in securing a lasting peace in the Middle East.

This budget continues the Administration's COPS program by including funding to help local communities hire up to 50,000 police nationwide. This program has been tremendously successful in Harris County helping the County, and some of its cities including virtually all those in my district, more than 1,000 police positions to fight crime.

This bill also includes important funding for the Immigration and Naturalization Service (INS) to combat illegal immigration and administer legal immigration both functions of government terribly important to the people of the 25th District. The bill also funds the upcoming

census, which is important to government and commerce.

Mr. Speaker, this is by no means a perfect bill and the process has been deplorable. However, this bill does meet important priorities in health care, education, crime control, immigration, general government and foreign affairs. Furthermore, this bill ensures that we maintain a balanced budget, dedicating the surplus to debt retirement and preserving its use for strengthening Social Security and Medicare in the future. On that basis, I urge my colleagues to support its passage.

Mr. BLILEY. Mr. Speaker, I also want to take this opportunity to explain to my colleagues an important change made to the Satellite Home Viewer Improvement Act of 1999 since the Conference Report was considered on the floor last week. As my colleagues know, I had been concerned that sections 1005(e) and 1011(c) of the Conference Report could unfairly discriminate against Internet and broadband service providers and, in doing so, would stifle the development of electronic commerce. I was particularly concerned that these provisions could be interpreted to expressly and permanently exclude any ''online digital communication service'' from retransmitting a transmission of a television program or other audiovisual work pursuant to a compulsory or statutory license.

Under the agreement embodied in the bill before us, these provisions were deleted, and rightly so. They were essentially added after agreement had been reached on the fundamental parameters of the Satellite Home Viewer Improvement Act, without any consultation with the Committee on Commerce and, equally important, without any record evidence submitted about their necessity. The committees of jurisdiction will now have an opportunity to give deliberate and careful consideration to the application of the Copyright Act to the Internet and broadband service providers. The importance of the Internet and other online communications technologies for enhancing consumer access to information and programming cannot be overstated. Online technology has transformed the way consumers receive information, including audiovisual works. Because rapid technological changes are having an ever more positive impact on our economy, it is thus essential that we give full attention to this issue early next year.

Mr. STENHOLM. Mr. Speaker, as with any compromise legislation, the final budget agreement has both very positive aspects and very troubling features. The agreement provides funding for several high priority spending items, particularly rural health care and education. In addition, the agreement preserves increases in programs affecting agriculture, veterans, defense and other priority areas. However, it falls far short of the standards of fiscal responsibility that were set forth in the Blue Dog budget and will create serious problems for the budget process that will begin next year.

This package provides much-needed relief for rural hospitals, nursing homes, community health centers, rural health clinics, home health agencies, and other health care providers who have struggled to cope with the impact of the Medicare payment reductions included in the Balanced Budget Act of 1997. Along with my colleagues in the House Rural Health Care Coalition, I introduced the Triple A Rural Health Improvement Act, legislation intended to help rural health care providers continue to provide vital services to rural seniors. I am pleased that this package includes a number of the important rural health provisions that we included in our legislation.

Specifically, this bill includes protection for low-volume, rural hospitals from the disproportionate impact of the hospital outpatient prospective payment system, an alternative payment system for community health centers and rural health clinics, reforms of the Medicare Rural Hospital Flexibility/Critical Access Hospital program, expansion of Graduate Medical Education opportunities in rural settings, Rebasing for Sole Community Hospitals, Extension of the Medicare Dependent Hospital program, and permitting certain rural hospitals in urban-defined counties to be recognized as rural for purposes of Medicare reimbursement.

The most significant accomplishment of the budget process this year is the success of fiscally responsible Members to block efforts to spend the projected surpluses over the next ten years on tax cuts or new entitlement spending. The bulk of the projected surpluses over the next ten years are preserved for debt reduction. I intend to join with my fellow Blue Dogs next year to renew our efforts to lock up half of these projected surpluses for debt reduction. In spite of all of the budget gimmicks and other fiscal shortcomings of this budget agreement, our successful vigilance in other efforts will result in a reduction of at least $130 billion in debt held by the public, following on the $123 billion in debt reduction achieved in fiscal year 1999.

Sadly, this particular budget agreement is a product of a terribly flawed process. Instead of spending the first eight months of the year debating a fiscally irresponsible tax cut that was destined to be vetoed, Congress should have been working with the administration to develop a responsible budget plan for the next five years. We should have set realistic spending caps and establish a framework for protecting the Social Security surplus and paying down the debt over the next five years.

The negotiating process did establish a very valuable precedent as a result of the administration's commitment to offset all increased spending they requested. Since the administration proposed offsets for all of their increased spending requests, any spending above the discretionary spending caps and any spending out of the Social Security surplus was a result of the legislation passed by the Majority in Congress prior to the budget negotiations.

The failure to put together a long-term budget framework has produced a bill that will cause real problems for the budget process next year and beyond. The cumulative effect of the budget legislation passed by Congress this year in the absence of a long-term plan will make it virtually impossible to comply with the discretionary caps in the next two fiscal years or balance the budget without counting Social Security. The discretionary spending caps in statute have lost much of their credibility as a tool to restrain spending.

As a result of all of the budget gimmicks placed in the spending bills passed by the Majority before the budget negotiations began, the final agreement will result in spending at least $17 billion of the Social Security surplus in 2000 and will put us on a course to spend a similar or greater amount of the Social Security surplus in 2001 and consume more than 75% of the projected on budget surplus in 2002.

When the timing shifts, emergency designations, and delays in the starting point for spending are taken into consideration, these bills put us on a path for an on-budget deficit of at least $20 billion in fiscal year 2001 and will reduce the fiscal year 2002 projected surplus from approximately $82 billion to approximately $13 billion in fiscal year 2002.

My fellow Blue Dogs and I have advocated locking up a portion of the projected on-budget surpluses to reduce debt held by the public to effectively pay back the money borrowed from the Social Security trust fund. The impact the final budget agreement will have on the on-budget surplus in the next two years would have been mitigated if it was accompanied by a solid commitment to repay any monies borrowed from the trust fund to meet operating expenses through additional debt reduction. Unfortunately, the Majority leadership never seriously considered this approach.

The outcome of the budget process this year underscores the critical importance of developing a responsible budget plan that addresses the long-term problems of Social Security and Medicare and provides for a reduction in the national debt in addition to providing room for tax cuts and priority programs. I am committed beginning work early next year with the administration and Congressional leadership on a bipartisan budget framework.

Mr. UDALL of Colorado. Mr. Speaker, I want to explain why I voted the way I did on this bill.

First, I had very serious concerns about the way in which this bill came before the House. It was a far-reaching measure, rolling into one oversize pile not just five appropriations bills but also several important authorization bills. It was filed in the early hours of this morning. I am confident that very few if any Members were able to read it all. Yet that is how it was, and we had to vote it up or down, with only limited time for debate and no chance to change it.

This is not the way we should do our work. While we are already more than two weeks late, today we passed yet another continuing resolution to keep the agencies covered by this bill operating. So we had some time—and we should have taken the time to do things the right way.

However, the majority's leadership decided to reject that more orderly way of proceeding. We had to choose a simple yes or no. And, after careful consideration, I decided to vote against this bill.

This was not an easy decision. In reaching it, I was conscious of many good things that were in the five appropriations bills and the other measures that were rolled into this one large, indigestible lump.

The bill has many provisions that are good for the country—and, in fact, some of particular benefit for Colorado as a whole and my own district in particular. Many of them were things that I have sought to have included.

For example, under the bill the National Oceanographic and Atmospheric Administration (NOAA) will receive an appropriation of $2.3 billion, up 8% from last year and nearly 20% more than in the House-passed bill. This is something that I worked to achieve, and something I strongly support.

Further, the National Institute of Standards and Technology is funded at $639 million,

which is about 1.3% less than in fiscal 1999 but an increase of 46% above the amount in the House-passed bill. This includes funding for the Advanced Technology Program (ATP), which has been zeroed out in the House-passed bill. These appropriations are very important. Their inclusion is something I worked to achieve and I would have liked to have been able to support them.

I also would have liked to have been able to support the amounts the bill provides for the Department of the Interior and the Forest Service. Again, I have been working to provide these agencies the resources they need to properly manage our federal lands and to help in the crucial job of protecting our open spaces against growth and sprawl.

And I very much would have liked to have been able to vote for the bill's funding for education and its provisions to improve health care for seniors and other Americans. Nothing is more important for our society, and nothing is more important for me. And the bill includes other good things as well.

However, on balance, I decided that the bill's virtues were outweighed by its faults.

They were outweighed by the fact that the bill includes an arbitrary reduction across many departments and agencies which is not only totally unnecessary but also very unbalanced—even unfair—in the way it's structured. It isn't really across-the-board: for example, in the defense department it will not apply to protected pork-barrel items and thus will fall on operations and maintenance that are really the key to our national security. And, apparently just to make it even worse, it does not apply to Congressional pay, so that come the first of the year we will get a cost-of-living increase—something that I voted against—without any reduction. That was something I could not support.

The bill's virtues were also outweighed by the way it offends against fiscal candor and public accountability. It is loaded with accounting gimmicks and transparent fictions—things like calling the constitutionally-required census an ''emergency,'' delaying some payments so they will technically fall into the next fiscal year, and directions to use the most convenient estimates of costs. The effect of these gimmicks and ruses is to pretend that more than $30 billion that's in the bill isn't really there.

''Peekaboo'' is something that's fun to play with toddlers, but I don't think we should be trying to pull it on the taxpayers.

So, as I said, Mr. Speaker, my decision was not an easy one. But I think it was the right one. I hope that next year the choice will be different. I hope that the House will do its work the way it should be done, on time and in keeping with the best principles of fiscal responsibility and public accountability. Let us learn, and let us change.

Mr. MCINTYRE. Mr. Speaker, for the record, this is to clarify that the ''no'' vote I cast today against H.R. 3194, the District of Columbia Appropriations Conference Report for FY 2000, is by no means an indication that I am opposed to the Medicare Balanced Budget Act (BBA) refinement provisions included in this legislation. Indeed, I voted for the Medicare relief package when it came before the U.S. House of Representatives on November 5, 1999, and passed overwhelmingly by a vote of 388 to 25. As Co-Chairman of the Rural Health Care Coalition, I supported this legislation because it clearly represents a step in the right direction toward allaying the current health care crisis facing our nation and mitigating the impact of Medicare cuts mandated by the BBA on health care providers. Unfortunately, my colleagues and I in the House were not given the opportunity to vote on the revised language as free-standing legislation. Rather, it was attached to the D.C. Appropriations Conference Report with various other unrelated measures, including hurricane relief funding. The reason I voted against H.R. 3194 is because we, as a nation, have an obligation to provide the citizens of eastern North Carolina with the necessary emergency aid to recover from three major hurricanes. However, this measure does not go far enough in providing adequate relief to those individuals who need it the most.

Mr. VENTO. Mr. Speaker, I rise in reluctant support of this bill. Approaching almost two months into the Fiscal Year 2000, we are forced to vote on this massive catchall spending bill which covers programs that would normally be funded by five separate appropriations bills. I am not sure if my Colleagues are privy to the substance of this Omnibus Appropriation and it may take months to honestly sort through the ramifications of these provisions included in this careless budget process.

While H.R. 3194 contains important programs to hire additional teachers and police officers, finally fulfill our responsibilities in paying the United Nations (UN) back dues, underwrite and implement the Wye River peace accords, provide critical debt relief for the world's poorest nations, increase payments to Medicare health care providers and secure land acquisition for the purposes of environmental protection and conservation, this measure extends the Northeast Dairy Compact which adversely affects Minnesota's dairy farmers, and relies upon budget gimmicks in order to mask the perception of spending any of the Social Security Insurance Trust Fund.

Through across-the-board cuts, gimmicks and scorekeeping adjustments, the Republicans claim to keep their promise to balance the budget excluding Social Security. However, the CBO recently scored the Republican budget plan and verified that they have broken their promise by spending the Social Security surplus long before this measure was even considered.

According to CBO, the appropriations bill turns a $14.4 billion on-budget surplus into a $17.1 billion on-budget deficit. No cooking the books or scorekeeping gimmicks can deny the facts of the bottom line. This clearly shows that the Republicans are spending the Social Security surplus rather than saving it. It is indeed ironic that the Republicans are publicly attacking Democrats for ''raiding Social Security'' when their own Republican appointed budget scorekeeper, CBO, tells us that it is their appropriations that have already created an off-budget incursion into Social Security funds. Unfortunately the overall process of combining five appropriations bills, with numerous policy matters and attaching dozens of authorization bills which should be considered separately is an admission by the GOP leaders that they cannot deal with policy fairly and give Members of the House a vote on each. Rather the Leadership has stuffed this Omnibus Bill to the point of making it resemble a Thanksgiving turkey! What a sad way to do our work and serve the people.

The American public time and again has rated education as a top priority . . . above tax cuts, above foreign affairs, above Pentagon spending, even above gun safety and protecting social security. While I am not discrediting the need for Congress to address all of these issues, it is important that we listen to what constituents are saying. Republican rhetoric boasts a strong commitment to education, claiming funding levels exceeding last year's appropriations and above the president's requests. However, I have concerns about the methods used; this legislation resembles a pea and shell game, shifting funding responsibility and using advance FY2001 appropriations. The bottom line is that in terms of actual FY2000 funding the agreement actually provides less than last year's appropriations and bodes problems for FY2001 education budgeting.

However, I will concede that this final compromise is certainly a bit more palatable than the original legislation. I am pleased that additional funds have been designated for President Clinton's class size reduction program which just last year was agreed to, but denied funding by the GOP up and to the Administration's insistence, the increased flexibility for the use of these funds, for teacher qualification and certification is a plus. Important programs such as Goals 2000, School-to-Work, Education Technology, and 21st Century Community Learning Centers have been sufficiently funded. Additionally, I am supportive of increased funding for student financial aid. These investments in education are the smartest spending that our national government can make.

Although I would have preferred to see more funds dedicated to the President's initiative to hire new community police officers in FY 2000, I was pleased to see increased funding for a program to address violence against women.

This bill provides necessary relief to alleviate some of the Balanced Budget Act of 1997 (BBA) cuts on health care providers in my district and throughout the nation. I am particularly pleased that a clerical error which would have severely underfunded Minnesota hospitals that care for a disproportionate share of low-income individuals has been corrected. Also, this measure recognizes the importance of National Institutes of Health (NIH) research in addressing public health issues such as cardiovascular diseases, Alzheimers and diabetes. Regrettably, overall Medicare reform, prescription drug coverage and the imbalance in Medicare payment levels which adversely impacts seniors in Minnesota have not been addressed this session. I am also disappointed that the bill will continue a pattern of cuts to the Social Services Block Grant program which provides important social services to the elderly, poor and developmentally disabled.

I am pleased that I can, in good conscience, look favorably upon the provisions contained in the Interior funding portion of this legislation. Although it does not satisfy all of my concerns regarding many of the anti-environmental riders, the Democratic conferees and the Administration were successful in thwarting the most egregious of the riders to preserve the quality of our lands. Specifically, I commend the conferees for choosing to keep the authority of the Clean Water Act intact regarding mountaintop mining, allowing the Bureau of Land Management to cancel, modify

or suspend grazing permits after their environmental review is complete and delaying the new formula for oil royalty valuation only until March 15, thus permitting implementation after nearly three years of GOP stalling to the benefit of the oil companies. In addition, I am also pleased to see that additional funds have been added to the Land and Water Conservation Fund (LWCF) for high priority land acquisitions. Both the federal and stateside portion of this program have been woefully underfunded for years. Hopefully this signals the end of that era and a renewed commitment to this vital LWCF law.

I would like to express my displeasure with Congress' inability to fund important clean air programs for fear that somehow the Administration will secretly implement the clean air agreement reached under the Kyoto Protocol. It is vitally important that this nation put the health and welfare of its citizens before the profit of utilities and big business. The costs associated with protecting the public will save this nation money and lives.

After three years of holding up UN arrears by linking restrictive language to family planning organizations, the President was forced to capitulate and prohibit funding for preventive family planning. The choice: lose the U.S. vote in the UN or pay the dues with restrictive, unworkable conditions. Unfortunately, this policy will lead to an increase in unintended pregnancies, maternal deaths, and in abortions abroad. I will point out, however, that the President can waive these ''Mexico City'' provisions on the condition that overall family planning assistance would then be cut by $12.5 million. No doubt the President will find it necessary to do so to the predictable howls of protest by the proponents of these limits. Some it would seem want a political issue, not a workable policy.

I am pleased that the President's request of $1.8 billion to help implement the Wye River peace accords between Israel, the Palestinian Authority and Jordan was included. With this important funding, Israel and Palestine can move head with the Wye agreement and final status negotiations. This financial assistance is vital for the future of the peace process and all more critical for the United States to do its part in meeting its commitments and obligations. The United States has a deep commitment to Israel and its Arab partners in the peace process to facilitate the ongoing negotiations. Our continuing support now is both the right thing to do and serves to promote stability in the Middle East.

Moreover, I especially applaud the inclusion of debt relief for the world's poorest countries. Debt relief is one of the most humanitarian and moral challenges of our time. The agreement is very similar to the final product of H.R. 1095, which passed out of the Banking Committee earlier this month. Albeit the agreement deleted regrettably several amendments to the bill, including my amendment which requires the President to take into account a nation's record on child labor and worker's rights before granting debt relief.

Specifically, the agreement would authorize U.S. support for an IMF proposal to sell some of its gold reserves to finance debt forgiveness and participate in the HIPC initiative. The revaluation of the IMF's gold reserves and the profits from these sales, roughly $3.1 billion, could only be used for debt relief. In addition, H.R. 3194 includes $123 million for bilateral debt relief, which is about equal to the President's original request. Unfortunately, the first of four $250 million in payments for multilateral debt relief was not included, thus delaying action on the President's pledge with other industrial nations to forgive $27 billion in foreign debt owed by HIPC countries.

In regards to the Satellite Home Viewer Act provisions included in this agreement, I am pleased that this measure has finally dropped language which would have authorized $1.25 billion in loan guarantees for satellite companies to provide local-into-local service in rural areas. I had jurisdictional, policy and cost concerns due to the fact that this loan provision was not cleared through the Banking Committee, which led me to vote against the original conference agreement of the Satellite bill last week.

In conclusion, this bill provides essential increases in education, law enforcement, and public health initiatives; reaffirms our commitment to the UN, Israel and Palestine, authorizes debt relief for the world's poorest, and seeks to protect the environment. At the same time, this measure is a budgetary bag of tricks which offsets requires across the board cuts that will do mischief into necessary and fundamental federal commitments and consists of clever gimmicks to paper over the promise of breaking the Republicans majority to protect surpluses in the Social Security Trust Fund. But, considering the Republican control of Congress and the state of denial for the past 10 months more work and time would not likely cure the objections I harbor to this funding policy. The Clinton Administration and Democrats in Congress have balanced most of the adverse impacts of this Omnibus budget bill and I shall reluctantly cast a ''yes'' vote and urge its passage.

Mr. LEVIN. Mr. Speaker, well here we go again. Another year and another last minute, take-it-or-leave-it, catch-all budget that funds most of the government. The Republican Leadership didn't do its homework all year and now they expect a gold star because they got a C on the final exam.

Most Americans will probably find little fault with many of the major provisions of the legislation we are considering today. Although the Republican Majority fought it every step of the way, most Americans support our initiative to hire 100,000 new teachers to reduce class size in our schools. They support the President's program to put more police on the streets in our communities. They support our efforts to strip the harmful anti-environmental riders that threatened the ecological health of our land, water and air. The American people support our efforts to preserve access to health care for older Americans by correcting the excesses of the 1997 Balanced Budget Agreement. On all of these issues and countless others, President Clinton prevailed over the extreme opposition of the Republican Leadership.

The major shortcoming of this agreement is not what's in it; the problem with this bill is what's not in it. As just one example, the vast majority of Americans support managed care reform; indeed, the House passed a strong Patients' Bill of Rights earlier this year. There is one reason, and one reason alone why HMO reform is not included in the package we are debating today: the Republican Leadership does not support meaningful managed care reform.

The Congress also should have acted this year to extend prescription drug benefits to the elderly, too many of whom are being forced to choose between food and medicine. Most Americans support this, I support this, the President supports this. A major reason prescription drug coverage is not included in this budget is because the Republican Leadership does not support it. It's ironic that the Majority spent most of this year trying to push through a massive and irresponsible tax cut that chiefly benefited the very richest people in America, but was unwilling to even discuss a Medicare prescription drug benefit for seniors.

I remain dismayed that the Majority has also blocked campaign finance reform, a much needed raise in the minimum wage and sensible gun safety measures. In addition, this Congress should have done more to help low-income working families. Despite the good economy, the number of people with health insurance has declined and the number of children going hungry has actually increased. We should have taken action on all these fronts this year.

Finally, despite the repeated claims of the Majority that they are not spending even one dime of the Social Security surplus, the fact is that this agreement falls short of their rhetoric. As with the previously adopted appropriations bills, the budget package before us contains numerous accounting gimmicks whose only purpose is to disguise the real cost of this legislation. I don't think anybody is fooled by all the smoke and mirrors. What is the point of having a budget process when the Leadership of this body consistently refuses to follow it?

I will vote for this agreement, but I do so reluctantly. At the end of the day, the lasting legacy of this session of Congress will be shaped more by what we failed to accomplish this year than what we're doing in this legislation today.

Mr. DINGELL. Mr. Speaker, once again a more curious process has produced an omnivorous end-of-session spending bill. It is fair—and accurate—to say that most Members of this body would fail a pop quiz on the contents of this legislation, given that it only became available for review late this morning, replete with handwritten additions, deletions and elisions.

Almost in spite of itself, this Congress has written legislation that does some good.

For instance, one of the many extraneous provisions included in this package is the Satellite Home Viewer Act. Consumers will greatly benefit from this bill. They will finally be legally entitled to receive their local broadcast stations when they subscribe to satellite television service. No longer will consumers be required to fool with rabbit ears, or erect a huge antenna on their rooftop, to receive their local network television stations. The satellite dish many consumers buy this holiday season finally will be able to provide them with a one-stop source for all their television programming.

The bill also will allow satellite companies to compete more effectively with cable systems, and provide a real-market check on the rates they charge their consumers. If cable rates continue to climb, as they have done for the past several years, consumers will be able to fight back: they will have a real choice for their video programming service.

I am also pleased that this legislation rectifies some of the consequences of the

1997 Balanced Budget Act for Medicare beneficiaries and providers.

Nonetheless, the fact remains that we are voting on a matter of great importance to the 38 million Americans covered by Medicare, yet most members have had only hours to examine all of the provisions in this bill. Doubtless, there are secret little provisions in this bill that help special interests and are known only to Republicans.

Our Republican friends have also made a great fuss about the need to protect the Social Security surplus, but the bill they are offering is not paid for. Preliminary estimates show that the Medicare provisions of this bill cost almost $16 billion. Unpaid for, the bill will shorten the life of the Medicare Trust Fund and increase premiums to seniors. Apparently, fiscal responsibility only suits the Republican Party when it is convenient.

I am also concerned that in some areas, we may not have done enough. In the area of quality, this bill moves backward rather than forward. The bill further removes Medicare managed care plans from oversight and some quality requirements. They have even exempted some plans from the requirements entirely. Who knows what other nefarious provisions lurk within the dark corners of this bill?

The compromise on Community Health Centers is a good beginning, but a permanent solution is needed. I applaud the willingness of the Republican leadership to work with us to find a middle ground on assistance for these providers who serve a large number of America's uninsured and lower-income families.

For women with breast or cervical cancer, however, this bill is inadequate. We had the opportunity to include a bill by my colleague Ms. ESHOO that would have provided great assistance in treating breast and cervical cancer, but this evidently was not a priority for the Republican leadership.

The Republican leadership is at least consistent in its coddling of managed care companies. While the conferees on the Patients' Bill of Rights have yet to hold their first meeting, this legislation gives nearly $5 billion to managed care plans, despite considerable evidence from the General Accounting Office that these plans are already overpaid. At the same time, this bill omits what is perhaps the most important relief that Congress could offer to Medicare beneficiaries: relief from the high cost of prescription drugs. Seniors should not be forced to choose between food and needed medicines.

Mr. Speaker, my modest experience as a legislator teaches me that even the best legislation inevitably contains flaws and compromises. But the entire process by which the Republican leadership produced this massive package and brought it to the floor today is a travesty, and I hope to never again see it repeated.

In addition, Mr. Speaker, the BBA contains a study by GAO of the Community Health Centers payments under which the conferees intend that the GAO should look at all State programs including those with 1115 waivers.

Mr. STEARNS. Mr. Speaker, Is this a perfect bill? The answer is no. There are several provisions contained in this measure that I do not and did not support in the past. However, there are also many provisions contained in this funding bill that I do support. They are as follows.

The give-backs to Medicare that are included in H.R. 3624 are tremendously important to the people in my district. I want to compliment the conferees of the Committees on Commerce, Ways and Means and the Senate Finance Committee who worked so diligently to reach an agreement to ensure that Medicare beneficiaries have access to health care services. This measure will be of assistance to those who rely on Medicare for their health care needs.

I have worked closely with Chairmen BILIRAKIS and BLILEY to ensure that Medicare+Choice receives an increase in funding because we need to make sure that seniors have the same choices available to them as other Americans.

H.R. 3624 restores funding to the Medicare+Choice program. It also makes some positive changes that will offer Medicare beneficiaries more flexibility in a number of ways. First and foremost, it authorizes incentives for health care providers to enter counties that do not currently offer managed care plans. This is a key provision because I represent a rural area with very few HMOs.

It also allows Medicare+Choice beneficiaries an open enrollment period when they learn their plan is ending its contract. In addition, it would slow down the implementation of Medicare+Choice payment rates to reflect the differences in enrollees' costs. Lastly, it would provide beneficiaries more time to enroll in Medicare+Choice or Medigap plans when health plans withdraw from the market.

The bill is also endorsed by many organizations including the National Rural Health Association and the American Hospital Association. The bill contains specific provisions to correct many of the unintended consequences of the BBA that have adversely affected the rural communities.

It also strengthens the Medicare rural hospital critical access hospital program and expands Graduate Medical Education opportunities in rural settings.

Another important provision provides payments for orphan and cancer therapy drugs and new medical devices. I have focused on the issues my constituents said they wanted fixed, but there are certainly other improvements that I have not listed here today.

The Medicare Balanced Budget Refinement Act will provide much needed relief to Medicare beneficiaries and providers alike. It may not provide everything that has been requested, but it does address the issues with which my constituents have greatest concern.

This appropriation package also provides for a study to be conducted on the role of Ft. King in the Second Seminole war. This is something I have tried to accomplish for several years and I am pleased that it is moving forward. Ft. King is an important historical site located in Ocala, Marion County, Florida. I also want to thank Chairman REGULA for his help in getting this language included in the Interior bill.

I also was successful in securing funding for an aircraft training at an Aviation/Aerospace Center of Excellence project operated by the Florida Community College at Jacksonville utilizing resources at Cecil Field. This is an important instructional program that will prepare students to take the appropriate certification exams which are required by the Federal Aviation Administration for employment in aircraft maintenance. This is tremendously valuable since there is no such training program currently available in Northeast Florida.

Another important provision that I was able to help get included is the prohibition on the Public Broadcast Stations from sharing their donor lists with political parties or outside parties without the donors consent. We must ensure that taxpayer dollars are not misused for political purposes.

This measure also contains language allowing consumers choices when it comes to getting their television signals. As a member of the Telecommunications Subcommittee I worked to ensure that consumers can receive local television stations and further worked to ensure that they will not lose their distance signals.

Notwithstanding all these things that are good within the bill, I am concerned about the process. This bill forward funds much too much money. Also, I am concerned with the whole process of not being able to read the five (5) bills. Putting all five bills together in one omnibus spending bill is not good and does not serve this House well.

Mr. KLECZKA. Mr. Speaker, we have apparently not learned from history. The Omnibus Appropriations bill the House is considering today is very similar to the budget-busting, catch-all bill that Congress passed last year. This time the bill, which was filed at 3:00 a.m. this morning in the cloak of darkness, measures one foot tall. It is impossible for Members to know all the details included in this massive measure, including the type and amounts of pet projects inserted without debate. Sadly, this omnibus bill comes to us after we heard the Republican Leadership maintain their commitment to make the trains run on time and send the President 13 separate appropriations bills.

Although this bill contains many favorable provisions, such as increased nursing home funding for the most vulnerable seniors in the Medicare program and an agreement to permit satellite TV carriers to transmit the signals of local broadcast stations back to subscribers in the same local market, the negative aspects out-weigh the good and therefore I must oppose this legislation.

The Republican Leadership made a handshake agreement that they would not include dairy legislation on any appropriations bill. They have gone back on their word by attaching language that will maintain the depression-era milk pricing system and stop the Department of Agriculture's modest milk market dairy reforms. This provision will hurt Wisconsin dairy farmers and consumers nationwide.

I am also concerned that this bill does not go far enough to prevent the implementation of the Department of Health and Human Services organ allocation rule. The HHS proposal will take much-needed organs away from Wisconsin and threatens the very existence of our nation's smaller transplant centers. While I welcome any delay of this ill-conceived policy, I am extremely disappointed that Congress was unwilling to postpone the restructuring of the organ allocation system until we can address this issue in a more comprehensive manner.

Perhaps the most egregious parts of this bill are the accounting gimmicks used to ''pay for'' the programs within the bill. The .38% across-the-board spending cut allows the individual agencies and departments to determine which programs and accounts shall be subject to the spending reduction. However, no project can be cut by more that 15%. This means that

wasteful and inappropriate pork-barrel spending projects, such as Naval ships not even requested by the Navy, cannot be targeted for elimination.

Another troubling gimmick is the bill's use of forward funding. Delaying payments for defense contractors, delaying veterans medical care obligations, and rescinding Section 8 housing program funds are just a few of these accounting gimmicks which add up to over $4 billion. Further so-called ''savings'' are achieved by delaying the paychecks of our military personnel and payments made to recipients of social services block grants.

Furthermore, roughly one-third of all education funding being spent this fiscal year is counted against next year's spending caps. This will spend nearly $12.4 billion that will not be counted until next year, subverting the budget caps. Even though this spending is within the Budget Caps, it still results in a Fiscal Year 2000 outlay that taps into Social Security funds. To top it off, $4.5 billion of the Census funding is classified as emergency spending and thus does not count against the spending caps. This too, spends funds from the Social Security Trust Fund—for an activity the government has performed like clockwork for every ten years for over 200 years! Not only is the Census called an ''emergency,'' but also included in the long list of surprise spending by the government are funds for the Head Start program and the Low-Income Home Energy Assistance program.

Finally, even though this bill contains everything but the kitchen sink, it does nothing to extend the life of Social Security or to modernize the Medicare Program. This budget bill also does not offer a plan to allow seniors to buy prescription drugs at an affordable cost, nor does it contain legislation to allow patients and doctors to make medical decisions instead of HOMO bureaucrats.

For these reasons Mr. Speaker, I must oppose this bill.

Mr. POMEROY. Mr. Speaker, I rise in opposition to H.R. 3194, a $385 billion omnibus appropriations bill for fiscal year 2000. Although the bill includes many beneficial provisions that I have worked hard to advance, I regret that they have been tied to a package that is deeply flawed in both procedure and substance.

This bill violates a rather simple rule of good legislating—members ought have the opportunity to review legislation before they are asked to cast their vote. They clearly have not had that opportunity here. This mammoth bill, more than a foot thick and thousands of pages long, was filed after 3 a.m. this morning. It became available to view only a few short hours ago. In reality there is not one member of the House who knows all of what is in this bill. All we know for certain is that there are a multitude of provisions here that would never have survived the normal legislative process.

Second despite all the rhetoric of the majority party, this bill spends at least $17 billion of the Social Security surplus. The Congressional budget Office, like all of us, has not had the opportunity to review this legislation, and, as a result, we are voting without the benefit of an official cost estimate. The previous CBO report, however, that did not include the additional spending added in negotiations with the White House, estimated that the surplus generated by Social Security will be tapped for $17 billion.

This bill is stuffed full of accounting gimmicks to create that illusion that it does not spend Social Security surplus. The gimmick of choice was to artificially postpone spending just beyond fiscal year 2000 into 2001. Unfortunately, this gimmick results in even more money from the Social Security surplus being spent. If you add all the spending that has been pushed into the next fiscal year and subtract the total from the expected budget surplus in 2001, you'll find that not only does this bill spend Social Security surplus in 2000, but it spends more than $20 billion from Social Security in 2001.

As I said earlier, Mr. Speaker, I regret that this bill is so flawed in certain important respects, because in many other areas it deserves strong support. For instance, I strongly support the increases in funding for federal education programs in this legislation, including the class size reduction initiative. Last year, the class size reduction initiative provided North Dakota schools with over $5 million in additional resources, and I am pleased that this legislation increases funding for that program by 10 percent. This legislation fulfills the promise to our children made last year by ensuring that schools in North Dakota and across the country can continue to pay the dedicated teachers recruited last year.

Second, I am pleased that Congress has addressed the unintended financial consequences of the Balanced Budget Act of 1997 (BBA) on health care providers. As a member of the Congressional Rural Health Care Coalition, I have worked long and hard to address these problems on behalf of the hospitals, home health agencies and nursing homes in North Dakota. These health care providers have done their best to maintain a high standard of care, even under the constraints of the BBA. I believe it is time that Congress provide them with the relief they desperately need.

I was pleased to have voted for H.R. 3075, the Medicare Balanced Budget Refinement Act, in the House of Representatives. This measure, which passed by an overwhelming, bipartisan majority, was an important first step toward addressing the problems of the BBA. I look forward to working with health care providers in my state to come to an agreement on further relief in the coming year.

Finally, this measure also fulfills the promise we made to America's communities, by continuing funding for the COPS program. The dedicated community police officers funded through this program, many of whom serve my constituents in North Dakota, have helped keep our families safe, an they deserve our support.

In summary, Mr. Speaker, this bill contains many laudable provisions that have, unfortunately, been attached to legislation I simply cannot support. For this reason, I urge my colleague to vote ''no'' so that we can advance the positive features of this bill in legislation that is fiscally sound and protects Social Security.

Ms. WOOLSEY. Mr. Speaker, I rise today to express my disappointment with this omnibus appropriations bill.

While this appropriations bill is good for education and does make good on our commitment to the United Nations, this bill also contains a provision that compromises women's rights around the world.

Republican extremists, in their zeal to limit women's rights, left the President no choice but to accept a budget compromise that links the payment of the United Nations dues with restrictions on international family planning. That is wrong.

This compromise is a bad deal for women around the world.

Family planning shouldn't be linked to United Nations dues. It has nothing to do with family planning. This is about our fundamental responsibility as the remaining superpower to support the United Nations. This is not a trade-off.

Mr. Speaker, women are not negotiable.

The Republicans need to stop attacking women's rights and they need to start living up to our international obligations—no strings attached.

By adopting this appropriations language linking the payment of our United Nations dues to restrictions on family planning, we set a dangerous precedent.

Once legislative language is adopted, it will be hard to remove. Further, the waiver provision will be meaningless in the future if there's an anti-choice President in the Oval Office. The waiver is only as strong as the President who would sign it.

For every step backward that we are forced to take on family planning, we will have to take two steps forward to maintain progress.

We are disappointed by the political posturing that created this budget deal that hurts women. But make no mistake about it, the women of this House are as committed as ever to protecting the rights of women around the world.

Mr. DAVIS of Virginia. Mr. Speaker, this is the 6th time the D.C. Budget has been on the floor in the last 6 months. Let's hope our collective ''sixth sense'' will carry the day.

Way back in July the D.C. Appropriations Act was heralded with virtual unanimity. It was one of the first appropriation bills to hit the floor, and I joined many others on both sides of the aisle in showering Chairman ISTOOK with well-deserved praise.

That was two vetoes and three conference reports ago. Ironically, the D.C. Budget became a necessary vehicle for other matters.

The D.C. Budget incorporates all appropriations for the District of Columbia. This includes not only federal funds, but all locally generated revenue as well, which accounts for most all of the Budget. This local part of the D.C. Budget was passed in consensus form by the city's elected leaders and the Control Board.

When Congress did its constitutional duty and passed the D.C. Budget, not once but twice, I joined others in urging the president to approve it. I compliment the appropriators and conferees for their patience and persistence in continuing to refine the bill following the vetoes. I am particularly pleased by the addition of needed resources to address the environmental necessity of cleaning up the old Lorton Correctional Complex.

The resources in this budget will help the Nation's Capital continue its reform efforts.

While much progress has been made in the District, there are still enormous problems which must be addressed. The D.C. Subcommittee I chair will hold a hearing on December 14 to gather information on many of these questions.

A substantial number of city functions remain in receivership, including foster care and offender supervision. A recent audit and the Annual Report submitted by the Control Board

to Congress highlights the crisis we are facing in this area. Our Congressional review can be particularly helpful in working through these concerns.

The D.C. Budget funds the local court system. These courts are going through an important process right now that demands our continuing interest. The GAO, at our request, has been supplying very helpful background material.

The House passed this month legislation I sponsored with ELEANOR HOLMES NORTON and others to enhance college access opportunities for D.C. students. I commend the president for signing that bill. Just this week it was officially designated as Public Law 106–98. I'm very proud of that. I thank the appropriators for working with me to make the money for that landmark new law subject to the authorizing enactment.

There is additional much-needed money in this budget for public education, including charter schools.

This budget contains the largest tax cut in the city's history, which is central to our goal of retaining and attracting economic development.

There is money in this budget to clean up the Anacostia River, open more drug treatment programs, and study widening of the 14th Street Bridge.

We've worked long and hard together to turn this city around. The D.C. Budget before us is another step in helping to keep us moving in the right direction.

Mr. COBLE. Mr. Speaker, today represents the culmination of a multi-year-long process to update the copyright licensing regimes covering the retransmission of broadcast signals. When the Satellite Home Viewer Act was first passed in 1988, satellite dishes were a rare sight in communities across America, and the dishes that did exist were almost all large, ''C-band'' dishes. Today, the satellite dish has become ubiquitous, and the dishes that most people use are now much smaller—only 18 inches across. The small dish industry alone has more than 10 million subscribers, with nearly two million other households still relying on large dishes. With this massive change in the marketplace, we are overdue for a fresh look at the laws governing retransmissions of television station programming.

The existing provisions of the Satellite Home Viewer Act allow satellite carriers to retransmit copyrighted programming for a set fee to a narrowly defined category of customers. The Act thus represents an exception to the general principles of copyright—that those who create works of authorship enjoy exclusive rights in them, and are entitled to bargain in the marketplace to sell those rights. In almost all other areas of the television industry, those bedrock principles work well. Indeed, virtually all of the programming that we enjoy on both broadcast and nonbroadcast stations is produced under that free market regime. Because exclusive rights and marketplace bargaining are so fundamental to copyright law, we should depart from those principles only when necessary and only to the most limited possible degree. Statutory licenses represent a departure from these bedrock principles, and should be construed as narrowly as possible.

Reflecting the need to keep such departures narrow, the existing Satellite Home Viewer Act permits network station signals to be retransmitted only to a narrowly defined group of ''unserved households,'' i.e., those located in places, almost always remote rural areas, in which over-the-air signals are simply too weak to be picked up with a correctly oriented, properly functioning conventional rooftop antenna. The definition of an ''unserved household'' continues to be the same as it is in the current statute, i.e., a household that cannot receive, through the use of a properly working, stationary outdoor rooftop antenna that is pointed toward the transmitter, a signal of at least Grade B intensity as defined in Section 73.683(a) of the FCC's rules. The courts have already interpreted this provision and nothing in the Act changes that definition. The ''Grade B intensity'' standard is and has always been an ''objective'' signal strength standard—not, as some satellite carriers claimed, a subjective picture quality standard. (In fact, as the courts have discussed, Congress expressly rejected a subjective standard in first enacting the statute in 1988.) The objective Grade B intensity standard has long been used by the FCC and the television engineering community to determine the level of signal strength needed to provide an acceptable television picture to median, unbiased observers. Few, if any, subscribers in urban and suburban areas qualify as ''unserved'' under this objective, easy-to-administer definition.

The existing compulsory license for ''unserved households,'' was not, however, designed to enable local TV stations to be retransmitted to their own local viewers. Congress has never before been asked to create such a license, because technological limitations made the local-to-local business unthinkable in 1988 and even in 1994, when Congress passed the first extension of the Satellite Home Viewer Act. Today, however, local-to-local service is no longer unthinkable. In fact, two satellite companies, DirecTV and EchoStar, stand ready to offer that service, at least in a limited number of markets, immediately.

To help local viewers in North Carolina and across the country, and to assist satellite companies in competing with cable, I have worked with my colleagues to help craft a new copyright statutory license that will enable local-to-local retransmissions. Today, we can finally celebrate the fruits of our efforts over many months of hard work and negotiation. The bill before the House reflects a carefully calibrated set of provisions that will, for the first time, authorize TV stations to be retransmitted by satellite to the viewers in their own local markets.

The bill will also extend, essentially unchanged, the current distant signal compulsory license in Section 119 of the Copyright Act. The only significant changes to that provision are that (1) the mandatory 90 day waiting period for cable subscribers will no longer be part of the law; (2) royalty rates for distant signals will be reduced from the marketplace rates currently in effect; (3) a limited, specifically defined category of subscribers subject to recent court orders will have delayed termination dates under the bill; (4) the bill will limit the number of distant signals that a satellite carrier may deliver even to ''unserved households''; and (5) the bill will require satellite carriers to purchase rooftop antennas for certain subscribers whose service has been turned off by court order. Except for these specific changes in Section 119, nothing in the law we are passing today will take away any of the rights and remedies available to the plaintiffs in copyright infringement litigation against satellite carriers. Nor will anything in the bill (other than the specific provisions I have just mentioned) require any change whatsoever in the manner in which the courts have enforced Section 119.

I trust that the courts will continue to vigorously enforce the Copyright Act against those who seek to pretend it does not apply to them, including any satellite companies that have not yet been subject to injunctive relief for infringements they have committed. Indeed, the very premise on which Congress creates statutory licenses is that the limitations on those licenses will be strictly respected; when satellite carriers go beyond those limitations, they not only infringe copyrights, but destroy the premise on which Congress agreed to create the statutory license in the first place.

I want to say a word about the ''white area'' problem and about the delayed terminations of certain categories of subscribers. In particular, I want to express my extreme displeasure with the conduct by the satellite industry over the past few years. It is apparent, and at least two courts have found in final judgments (one affirmed on appeal), that satellite companies have purposely and deliberately violated the Copyright Act in selling these distant network signal packages to customers who are obviously unqualified. Those decisions have correctly and properly applied the Copyright Act. Whether or not satellite companies like the law, they have no right to merely disregard it. The ''turnoff'' crisis was caused by the satellite industry, not the Congress, and I do not appreciate having an industry take innocent consumers as hostages, which is what has happened here.

Now we as members of Congress, have been asked to fix this problem created by satellite industry lawbreaking. The bill reflects the conferees' best effort to find a solution to a problem that the satellite industry has created by signing up millions of ineligible customers. Unfortunately, the solution the conferees have devised—temporary grandfathering of certain categories of ineligible subscribers—may seem to amount to rewarding the satellite industry for its own wrongdoing. I find this very troubling, even though I understand the impetus to protect consumers who have been misled by satellite companies into believing that essentially everyone is eligible for distant network signals. In any event, let me be very clear: with the exception of delayed termination dates for certain subscribers, nothing in this bill in any way relieves any satellite company from any remedy whatsoever for any lawbreaking, past or future, in which they may engage. To list just a few, nothing in the bill will relieve any satellite carrier from any court order (a) requiring immediate termination of ineligible small-dish subscribers predicted to receive Grade A intensity signals from any station of the relevant network, (b) requiring strict compliance with the Grade B intensity standard for all signups after the date of the court order, (c) requiring the payment of attorney's fees pursuant to Section 5.5 of the Copyright Act or payment for testing costs pursuant to Section 119(a)(9), or (d) imposing any statutorily mandated remedy for any willful or repeated pattern or practice of violations committed by a particular satellite carrier. Congress has determined the outer limits of permissible grandfathering in this bill, and courts

need not entertain an arguments for additional grandfathering. And I should emphasize that the only subscribers that may have service restored pursuant to the grandfathering provisions of this Act are those that have had their service terminated as a result of court orders, and not for any other reason.

As Chairman of the Subcommittee on Courts and Intellectual Property of the House Judiciary Committee, I also want to make clear that Congress is not in any way finding fault with the manner in which the federal courts have enforced the Satellite Home Viewer Act. To the contrary, the courts (including the United States District Court for the Middle District of North Carolina, the Fourth Circuit, and the United States District Court for the Southern District of Florida) have done an admirable job in correctly carrying out the intent of Congress which established a strictly objective eligibility standard that applied to only a tiny fraction of American television households. Although the conferees have reluctantly decided to deal with the unlawful signups by postponing cutoffs of certain specified categories of consumers, that prospective legislative decision—to which Congress is resorting because of the no-win situation created by past satellite industry lawbreaking—does not reflect any criticism whatsoever of the federal courts. And I should emphasize that we have re-enacted, intact, the procedural and remedial provisions of Section 119, including, for example, the ''burden of proof'' and ''pattern or practice'' provisions that have been important in litigation under the Act.

The bill will require satellite carriers that have turned off ineligible subscribers pursuant to court decisions under section 119 to provide those subscribers with a free rooftop antenna enabling them to receive local stations over the air. This provision may redress, to some degree, the unfairness of appearing to reward satellite carriers for their own lawbreaking. The free-antenna provision is a pure matter of fairness to consumers, who were told, falsely, that they could receive distant network signals based on saying ''I don't like my TV picture'' over the telephone. I trust that many North Carolinians will benefit from the satellite carriers' compliance with this important remedial provision.

I should briefly discuss the addition of the word ''stationary'' to the phrase ''conventional outdoor rooftop receiving antenna'' in Section 119(d)(10) of the Copyright Act. As the Chairman of the Subcommittee on Courts and Intellectual Property of the House Judiciary Committee, which has jurisdiction over copyright matters, and as the original sponsor of this legislation, I want to stress that this one-word change to the Copyright Act does not require (or even permit) any change in the methods used by the courts to enforce the ''unserved household'' limitation of Section 119. The new language says only that the test is whether a ''stationary'' antenna can pick up a Grade B intensity signal; although some may have wished otherwise, it does not say that the antenna is to be improperly oriented (i.e., pointed away from the TV transmitter in question). To read the Act in that way would be extraordinarily hypocritical, since ''stationary'' satellite antennas themselves must be perfectly oriented to get any reception at all. In any event, the Act provides controlling guidance about antenna orientation in Section 119(a)(2)(B)(ii)(II) of the bill, which specifies that the FCC's existing procedures (requiring correct orientation) be followed. See 47 C.F.R. § 73.686(d), Appendix B, at ¶ (2)(iv); see also FCC Report & Order, Dkt. No. 98–201, at ¶ 59 (describing many precedents calling for correct orientation). A contrary reading would leave the Copyright Act with no fixed meaning at all, since while there is a single correct way to orient an antenna to receive a particular station (which is what the Act assumes), there are at least 359 wrong ways to do so as one moves in a circle away from the correct orientation.

A contrary reading would also fly in the face of the text of the Act, which makes eligibility depend on whether a household ''cannot'' receive the signal of particular stations. The Act is clear: if a household could receive a signal of Grade B intensity with a properly oriented stationary rooftop antenna of a particular network affiliate station, the household is not ''unserved'' with respect to that network.

The Copyright Act amendments also direct courts to continue to use the accurate consumer-friendly prediction and measurement tools developed by the FCC for determining whether particular households are served or unserved. I understand that the parties to court proceedings under Section 119 have already developed detailed protocols for applying those procedures, and nothing in today's legislation requires any change in those protocols. If the Commission is able to refine its already very accurate ''ILLR'' predictive model to make it even more accurate, the courts should apply those further refinements as well. But in the meantime, the courts should use the accurate, FCC-approved tools that are already available, in the same way in which they are doing now. As I mentioned, nothing in the Act requires any change whatsoever in the manner in which the courts are using those FCC-endorsed scientific tools.

The Act does authorize the Commission to make nonbinding suggestions about changes to the definition of Grade B intensity. (The definition of Grade B intensity is, of course, separate from FCC decisions concerning particular methods of measuring or predicting eligibility to receive network programming by satellite, as the FCC's February 1999 SHVA Report and order discusses in detail.) Any suggestions from the FCC about the definition of Grade B intensity will have no legal effect whatsoever until and unless Congress acts on them and incorporates them into the Copyright Act.

The conferees and many other members of this body have worked hard to achieve the carefully balanced bill now before the House. We have spent the better part of four years working with representatives of the broadcast, copyright, satellite, and cable industries fashioning legislation that is ultimately best for our constituents. The legislation before us today is not perfect, but it is a carefully balanced compromise. The real winners are our constituents, who can expect to enjoy local-to-local satellite delivery of their own hometown TV stations in more and more markets over the next few years.

I want to thank the chairman of the committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), the ranking member, the gentleman from Michigan (Mr. CONYERS), as well as the subcommittee ranking member, the gentleman from California (Mr. BERMAN) for their support and leadership throughout this process. I also want to recognize the contributions of the leadership of the gentleman from Virginia (Chairman BLILEY); the ranking member, the gentleman from Michigan (Mr. DINGELL); the subcommittee chairman, the gentleman from Louisiana (Mr. TAUZIN); the gentleman from Ohio (Mr. OXLEY); and the ranking member, the gentleman from Massachusetts (Mr. MARKEY), who worked with us tirelessly to bring this to the Floor. Finally, I want to thank my fellow Subcommittee members, the gentleman from Virginia (Mr. GOODLATTE and Mr. BOUCHER) for their service on the committee of conference. I urge all Members to support this constituent-friendly legislation.

Mr. MOORE. Mr. Speaker, I intend to vote against the omnibus appropriations bill that is before us today. No respectable business would operate this way—and neither should our government.

I did not come to Congress to engage in business as usual. The people of Kansas' Third District expect more of us. As Congress has done for too many years, today it will be voting on a bill estimated at 2,000 pages, which no one in this chamber has read, or even had the opportunity to give a cursory review. We are asked to vote based upon sketchy summaries of a huge piece of legislation that was filed as a conference report at 3:00 a.m. this morning. Is it too much to ask that we have 24 hours to review and consider a $395 billion appropriations bill before voting? This bill has not even been printed or placed on-line for our review or for the public's examination. This is wrong and none of us should be a party to it.

But, more bothersome is that while the bill contains many programs which I have fought for and for which I would vote under normal circumstances, the bill is a lie and a cruel hoax on the American people. The majority claims they have not spent Social Security funds. Just the opposite is true.

There are many things in this bill which I support: increased funding to reduce public school class sizes by hiring qualified teachers and funding teacher training; funding for the National Institutes of Health; payment of the United States' outstanding debt to the United Nations; increased funding for the hiring of new community police officers; additional funds to preserve and acquire open spaces and ecologically important lands; funds to help implement the Wye River Accord between Israel, the Palestinian Authority and Jordan; and funds for development in the world's poorest nations and supports an IMF proposal to revalue some of its gold reserves to finance debt forgiveness.

There also, however, are a number of provisions in this bill which I oppose: a cut of $100 million in veterans' benefits; payment of the United Nations arrears is linked to unwarranted restrictions on international family planning funding; funding for the Army's School of the Americas, which has a dismal record of training personnel supporting past military dictatorships in Latin America, who have been engaged in gross human rights violations; and most importantly, this package has not been scored by the Congressional Budget Office; despite the majority's unsupported claims to the contrary, we really do not know what the ultimate impact will be upon Social Security funds. Indeed, of the three major offsets provided in this conference report, only one actually reduces expenditures. The other two—expediting transfers from the Treasury to the

Federal Reserve and delaying payments to our military personnel—are accounting gimmicks which start us in a hole in next year's budget process. This is not fiscally responsible and it does not protect Social Security.

Additionally, other non-appropriations measures have been added to this omnibus package at the last possible minute. I would gladly support several of these bills if I had the opportunity to vote on them individually, under regular order. These bills include measures to: increase Medicare payments to hospitals, nursing homes, home health care agencies and other health care providers, providing some financial relief from the Medicare cuts imposed by the Balanced Budget Act of 1997; allow satellite carriers to transmit the signals of local broadcast stations back to subscribers in the same local market and allows satellite subscribers scheduled to lose their distant signals at the end of the year to continue receiving them for five years; and preserve local, low power television stations when the broadcast industry upgrades to digital service.

Under the rules of the House, Congress is supposed to consider thirteen appropriations bills for each fiscal year. Under normal procedures, those bills should come before the House individually, with opportunities for amendment and debate. After a conference report is negotiated, the House should then have the opportunity to vote on each bill, standing alone. Unfortunately, Congress has refused to follow its own rules.

I have only been a member of this body for eleven months, but I understand that the rules and procedures of the House were put in place to protect the rights of all Members to represent fully the interests and concerns of our constituents. We cannot do so when we are confronted with an omnibus conference report which I am told is estimated at 2,000 pages, carries an overall price tag of $395 billion in fiscal year 2000 appropriations, and countless other provisions, whose consequences we cannot possibly know at this time.

I will vote against this package today and I urge my colleagues to do likewise.

Mr. SENSENBRENNER. Mr. Speaker, I rise reluctantly against H.R. 3194, the District of Columbia Appropriations Conference report. While I support many of the provisions of this legislation, I cannot support any legislation which perpetuates the Northeast Interstate Dairy Compact and does not allow for the modest federal milk marketing order reforms to go into effect. While this legislation maintains a balanced budget and protects Social Security, which I strongly support, I simply cannot condone its treatment of Wisconsin farmers. I understand the plight of farmers in other regions of the country; however, passing this legislation in an effort to help them directly punishes the farmers in my district, in my state, and throughout the Midwest. This is completely unacceptable and therefore, I must vote against it.

Mr. CROWLEY. Mr. Speaker, I rise today to express my disappointment in the so-called compromise worked out between the White House and the Republican leadership on the payment of U.S. arrears to the United Nations.

Do not be fooled by this slight of hand, there is no compromise. All this does is codify the Smith Mexico City policy in legislation for the first time and include a Presidential waiver that will result in a funding reduction. A funding reduction which will affect the healthcare of women and children around the world.

Mr. Speaker, let me be clear. I support payment of our financial obligation to the United Nations one hundred and ten percent. In fact, I am ashamed that the United States has lost so much prestige in an institution we helped create, in an organization instilled with many of the values we in this country hold so dear.

I am ashamed, Mr. Speaker, because the United States, which should be a respected leader in that world body has squandered its authority by not living up to its commitments. My Republican colleagues, as they've said so often, believe in moral leadership. Well, I ask them, where is the United States' moral leadership when we do not pay our fair share?

Mr. Speaker, paying our U.N. dues is an important national security concern; almost no one disputes this. Former Secretaries of States, former Presidents and former Senate Majority Leaders have all expressed the critical need to pay our arrears. Sensing this urgency, some in this House have placed partisan political considerations above the very real security needs of our country by linking the issue of our payment to the U.N. to the global gag rule on international family planning. For several years now, this linkage has held up the payment of our dues. I would submit an editorial from the November 17, 1999 New York Times which eloquently addresses this issue.

Now, some of my colleagues may question the harm in limiting the activities of international family planning organizations. Still others have deeply felt convictions on the issue of abortion and do not want to see U.S. taxpayer's funds pay for abortions. Not only do I sympathize with these sentiments, I agree with them. And that is exactly why I oppose the codification of the Smith Mexico City policy.

First, U.S. law rightly prohibits, in no uncertain terms, the use of U.S. funds to pay for an abortion, lobby for abortions, and coerce someone into having an abortion or purchase supplies or equipment to perform an abortion. And, no one has ever been able to show any U.S. funds used for this cause. Placing restrictions on the ability of foreign groups to use their own funds to participate in the democratic process and make their voices heard by their own governments is a violation of the sacred American right of free speech. This is just one way which this gag rule will prevent these organizations from doing their work to protect the health of families.

Second, the best means of preventing the instances of abortions overseas is to promote access to family planning services. Families that are in control and informed about their options are less likely to need or seek abortions. International family planning agencies around the world are committed to providing accurate information to families about their healthcare needs, from stopping the abhorrent practice of female genital mutilation to proper spacing of children to protect the health and well-being of mothers and children. Any reduction in these already under funded organizations, as this deal will ultimately result in, means that real women around the world will not have access to the basic medical information needed to raise their families in a healthy manner.

Mr. Speaker, while I am disappointed in this agreement, I am outraged that the will of a majority of the House was pushed aside to placate a few obstructionists who oppose providing access to family planning programs. In a historic compromise, the House included an amendment to the FY 2000 Foreign Operations Appropriations bill, offered by Congressman JIM GREENWOOD and Congresswoman NITA LOWEY, which provides an acceptable bipartisan and majority supported alternative set of restrictions on U.S. funds for international family planning. The Greenwood/Lowey compromise includes: a requirement that international family planning organizations use U.S. funds to reduce the incidences of abortions; it allows only foreign organizations which are in compliance with its own countries abortion laws to receive U.S. funds; and, it bars family planning aid from organizations which are in violation of their country's laws on lobbying or advocacy activities.

As I stated, a majority in the House supported this compromise, but the Republican leadership chose to ignore it. By ignoring the will of the House and codifying the Smith Mexico City policy, we set a dangerous precedent that will only serve to hurt women and families around the world.

Mr. Speaker, it is a shame that this provision was included in the Omnibus package which has so many other worthwhile programs. Funding for 100,000 teachers to help reduce class size, money for the COPS program, which keeps police on the beat and crime down, as well as other critical priorities supported by myself, my colleagues and a majority of Americans. Because of the inclusion of these key priorities, which will benefit the lives of every American, I will support this Omnibus package. However, I plan to work with my colleagues next year to restore the funding cuts that will result from this so-called compromise.

[From The New York Times, Nov. 17, 1999]

A COSTLY DEAL ON U.N. DUES

President Clinton paid a regrettably high price to win the House Republican leadership's assent to give almost $1 billion in back American dues to the United Nations. Last weekend, White House bargainers agreed to new statutory language restricting international family planning assistance that the administration had firmly and rightly resisted in the past. Understandably, advocates for women's health and reproductive choice, even including Vice President Gore, bemoaned that damaging concession and questioned its necessity.

Nevertheless, House approval of the U.N. arrears payments, assuming that final details of the agreement can be worked out and sold to the Republican rank and file, will be a significant achievement. Failure to pay these assessments had undermined the finances of the U.N., weakened American influence there and put Washington's voting rights in the General Assembly at risk. The United States cannot exercise global leadership unless it honors its financial obligations. Nor can Washington reasonably expect other countries to consider Congressional demands for lower American dues assessments in the future until it pays off most of the dues it already owes.

To get the U.N. money approved, the White House compromised on an important issue of principle, and may have encouraged radical anti-abortion crusaders to expand their assault on abortion rights. Under the newly agreed language, foreign family planning organizations that spend their own money to provide abortions or lobby for less harsh abortion laws will now be legally ineligible for American assistance.

As part of the compromise, the administration won the right to waive this restriction if it chooses. But even with the waiver, no more than $15 million in American assistance can be given to organizations engaged in abortion services or lobbying. That is about the amount such groups got last year. Another part of the deal stipulates that if the administration exercises the waiver the $385 million budgeted for aid to women's health groups will be reduced by $12.5 million.

The practical effect of these restrictions is likely to be small, at least for as long as the Clinton administration is in office and invokes the waiver provision. But there is no disguising the political victory it hands the anti-abortion crusaders in the House who were willing to hold American foreign policy to their ideological agenda. Although part of only a one-year spending bill, the language is likely to reappear in future years unless a majority of House members vote to exclude it.

Senate Republicans, including committed abortion foes like Senator Jesse Helms, behaved more responsibly than their House colleagues on this issue. But the House obstructionists held firm, faced down the White House and walked away with a disturbingly large share of what they wanted.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the Foreign Operations Conference Report and I applaud the Foreign Operations Subcommittee for joining together and bringing to the floor a bill to make the world a better place.

This is a good resolution, however I believe it fails to provide an adequate amount of funds for Sub-Saharan African nations, the most needy nations of the world. U.S. leadership and support are critical to the growth of Africa. In the past, our diplomatic efforts and bilateral aid programs have given significant stimulus to democracy-building and economic development. Our contributions leveraged with those of other donations to the programs of the World Bank and in Sub-Saharan Africa have reinforced economic policy reforms and infrastructure development across the continent.

The increase aid and debt relief for Sub-Saharan Africa has significant implications for U.S. interests. First, the progress realized to date, has stimulated growing interest and opportunities for U.S. business. Second, the emergence of more stable, more democratic governments has given us responsible partners with whom we can address the full range of regional and international issues: settling or preventing conflicts; combating crime, narcotics, terrorism, and weapons proliferation; protecting and managing the global environment; and expanding the global economy.

We must maximize our current efforts to protect and develop the vital human and physical resources that are necessary to drive economic prosperity in Sub-Saharan Africa. By increasing Sub-Saharan Africa aid and debt relief, we will ensure that the United States continues to be constructively engaged with the people of Africa. It's my hope as we approach the time to deliberate over a new Foreign Operations Conference Report we sincerely increase aid and debt relief to these needy nations. Again, I strongly support the Foreign Operations Conference Report and urge all members to vote yes.

Mr. LAFALCE. Mr. Speaker, the victory we have achieved on debt relief is arguably the most important legislative action the Congress has taken this year, and brings real hope to the world's poorest people and countries. It marks an important victory for all of those committed to reducing poverty and improving the standards of living in the world's highly indebted poor countries.

It is a victory for Pope John Paul II, who has said:

''Christians will have to raise their voice on behalf of all the poor of the world, proposing the jubilee as an appropriate time to give thought, among other things, to reducing substantially, if not cancelling outright, the international debt which seriously threatens the future of many nations.''

It is a victory for Bread for the World and Oxfam who have pressed consistently and effectively for ''using U.S. leadership internationally to provide deeper and faster debt relief to more countries, and directing the proceeds of debt relief to poverty reduction.''

It is a victory for the United Church of Christ, which has termed debt relief ''one of the foremost economic, humanitarian and moral challenges of our time'' (John H. Thomas, President).

It is a victory for the Episcopal Church, which has emphasized that ''closely linked with this notion of Jubilee is our heritage of caring for the poor and needy. . . . We must seize this historic opportunity to take moral action, grounded in Scripture and our compassion for those in need.'' (Bishop Francis Campbell Gray)

It is a victory for the U.S. Catholic Conference which has stated ''we cannot let the new millennium begin without offering hope to millions of poor people in some of the world's most impoverished countries that the crushing burden of external debt will soon be relieved.''

Had it not been for the concerted effort of the Jubilee 2000 Movement, including the nongovernmental private and voluntary organizations (NGOs) and the ecumenical array of church and faith-based organizations that have been pushing so hard for debt relief, we would never have gotten to this point. The following organizations and many others fully share in this victory and I am truly grateful for their efforts: the U.S. Catholic Conference, Bread for the World, Church World Service, The Episcopal Church, Evangelical Lutheran Church in America, Lutheran World Relief, National Council of Churches, Oxfam America, Presbyterian Church (USA), United Church of Christ, United Methodist Church, American Jewish World Service, and the Catholic Relief Service.

In enacting this legislation, we have responded to a moral and a practical imperative. The increasingly wide gap between the world's richest and poorest is both unjust and unsustainable. The economic prosperity the developed world now enjoys certainly imposes a concomitant obligation to help the less fortunate. But this debt relief agreement is also sound and prudent economic policy. The severe economic and social dislocation, and resulting political instability in the world's poorest countries will inevitably impact the developed world if it is not addressed.

Ever since the LDC debt crisis of the early 1980s, I have authored and pressed for passage of debt relief legislation. As part of those efforts, I have repeatedly urged and authored bills to mobilize the resources inherent in IMF gold holdings. Today I am particularly pleased because the debt relief provisions of the omnibus bill substantially reflect the Banking Committee reported version of H.R, 1095, the debt relief bill I introduced in March of this year. The agreement represents major victories for us in the following areas:

All bilateral debt of highly indebted poor countries will be totally cancelled;

Fundamental reforms have been made to the IMF and World Bank programs, and the relationship between those programs, to ensure a primary emphasis on poverty reduction rather than structural adjustment;

Mobilization of IMF gold using a revaluation rather than a sale, and using the resulting monies only for debt relief rather than structural adjustment, has been specifically authorized;

Greater transparency has been assured in regard to Paris Club deliberations on multilateral debt reduction (an informal forum where mainly industrial creditor countries discuss the settlement of official loans to countries unable to meet their debt service obligations);

Senate efforts to impose unreasonable trade policies on recipient countries, which would have severely restricted debt relief efforts, have been defeated.

All of these achievements reflect priorities and emphases of the bill reported by the Banking Committee.

While we should enjoy this victory, we must not lose sight of the fact that much more remains to be done. The agreement does not contain money for the HIPC Trust Fund, nor are such funds authorized. While the agreement provides for $123 million for bilateral debt relief for FY 2000, the Administration had requested $370 million, and is seeking $970 million over the next four years. We need to fully meet that standard. Finally, the agreement provides for use of a large portion of the resources coming from revaluation of the IMF gold for debt reduction, but still only a portion.

I am fully committed to pressing the Congress to begin early next year to meet these needs and finish the good work we have started.

Mr. CASTLE. Mr. Speaker, I am pleased to support H.R. 1095, the ''Debt Relief for Poverty Reduction Act of 1999.'' This legislation has strong bipartisan support with over 130 cosponsors. Providing debt relief for Heavily Indebted Poor Countries (HIPC) (ie. countries with debt 220% higher than their annual exports or debt greater than 80% of their GNP), is a crucial form of foreign aid desperately needed by the citizens of these countries.

The United States won the Cold War not only through military expenditures, but also through foreign aid to countries that were targeted by pro-communist forces. Many of these countries were, at best, only beginning to evolve toward democracy and some were governed by autocrats who wasted these U.S. funds. Now future generations in these countries are saddled by these overwhelming debts making it difficult to provide for their basic human needs—food, clothing, medicine, and shelter. There is a consensus in the global community and among creditors from all sectors that some relief must be provided if these countries are to be able to meet the basic human needs to their citizens and grow their economies in their future.

Whenever debt relief is debated, there is always cause for concern that creditors create a ''moral hazard'' when they forgive the debts of others. The forgiveness of debt can encourage debtors not to pay back interest on loans in

the future. However, in this circumstance, it is important to distinguish that the debt burden these countries face is so great that it would be impossible for them to repay. This is a form of international bankruptcy for these countries. The international community has recognized that conditions are so bad in these countries that future loans are not likely. Rather, grants are and will continue to be the form of assistance these countries receive.

As a strong fiscal conservative, I am cautious of programs that simply throw money at a problem. I believe government programs must be carefully structured to maximize efficiency and minimize waste in solving a problem. As originally drafted, H.R. 1095 contained measures conditioning debt relief on economic reforms in these countries. History has proven time and gain that free market capitalism maximizes efficiency and economic growth better than any other market system. Helping these countries move to a free market capitalism system is its own form of foreign aid in addition to foreign aid grants or debt relief. In fact, teaching foreign countries that the market is the most efficient way to allocate scarce resources is the only form of foreign aid that is truly lasting. Transitioning to a new market system is never easy. Change is always resisted by those empowered by the status quo. If the ''carrot'' of debt relief can be used to overcome the status quo in these countries in order to guide them to lasting relief, then Congress should structure this debt relief program to accomplish this goal. Unfortunately, these economic reform conditions were amended out of the original text during the House Banking Committee Markup.

Mr. Speaker, although I continue to support H.R. 1095, it is my intention to support efforts to restore the economic reform conditions before its final passage in the House.

Mr. COBLE. Mr. Speaker, I am pleased to rise in support of S. 1948, which will be enacted by reference upon the enactment of H.R. 3194. S. 1948, the ''Intellectual Property and Communications Omnibus Reform Act of 1999,'' concludes years of hard work and compromise. We spent considerable time balancing the interests of our constituents, intellectual property owners, satellite carriers, local broadcasters, and independent inventors in formulating this legislation. We have spent the past five years working on this legislation, and I can say without hesitation that this is a very good bill. This legislation will have a tremendously beneficial affect on the citizens of this country, whether they are subscribers to satellite television, inventors, brand owners, or Internet users. Title I of S. 1948, the ''Satellite Home Viewer Improvements Act,'' creates a new copyright license for local signals over satellite and makes necessary changes to the other television copyright licenses.

We have all been concerned about a lack of competition in the multi-channel television industry and what that means in terms of prices and services to our constituents. This bill gives the satellite industry a new copyright license with the ability to compete on a more even playing field, thereby giving consumers a choice.

With this competition in mind, the legislation before us makes the following changes to the Satellite Home Viewers Act.

1. It reauthorizes the satellite copyright compulsory license for five years.

2. It allows new satellite customers who have received a network signal from a cable system within the past three months to sign up immediately for satellite service for those signals. This is not allowed today.

3. It provides a discount for the copyright fees paid by the satellite carriers.

4. It allows satellite carriers to retransmit a local television station to households within that station's local market, just like cable does.

5. Protects existing subscribers from having their distant network service shut off at the end of the year and protects all C-band customers from having their network service shut off entirely.

6. It allows satellite carriers to rebroadcast a national signal of the Public Broadcasting Service.

7. It empowers the FCC to conduct a rulemaking to determine appropriate standards for satellite carriers concerning which customers should be allowed to receive distant network signals.

The satellite legislation before us today is a balanced approach. It is not perfect, like most pieces of legislation, but is a carefully balanced compromise. For instance, I am extremely disappointed the rural loan guarantee program was deleted from this legislation. We included those provisions in our original Conference Report to accompany H.R. 1554 to ensure all citizens, particularly those who live in small or rural communities, will receive the benefit of the new local-to-local service. I pledge I will do everything I can to ensure those provisions are acted upon early in the next session of Congress.

Additionally, language clarifying the application and eligibility of these compulsory licenses has also been deleted from this version of the legislation. This is not to be interpreted to indicate any change in the application of the cable or satellite compulsory licenses as they applied before the enactment of this legislation. The copyright compulsory licenses were created by Congress to address specific needs of a specific industry. Any further application of a compulsory license will be decided by Congress, not by an industry or a court. I am incorporating in this statement letters from the Register of Copyrights, Marybeth Peters, and from the Chairman and Ranking Members of the Judiciary Committee and the Subcommittee on Courts and Intellectual Property and from Professor Arthur R. Miller of the Harvard Law School which accurately restate the eligibility and interpretation of the copyright compulsory licenses. I am also enclosing extended remarks which express my views concerning the legislative history for the ''Intellectual Property and Communications Omnibus Reform Act of 1999.''

On balance, this is a very good piece of legislation and I urge all Members to support this constituent-friendly legislation.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, November 15, 1999.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN BLILEY. Thank you for your letter concerning sections 1005(e) and 1011(c) of the conference report on the Intellectual Property and Communications Omnibus Reform Act (''IPCORA'').

We do not believe there is any question about the current state of the law: Internet and similar digital online communications services are not, and have never been, eligible to claim the cable copyright compulsory license or satellite copyright compulsory license created by sections 111 and 119 of the Copyright Act, respectively. The cable copyright license was created in 1976 specifically to apply to the nature of the cable industry. The satellite license was created in 1988 specifically to apply to the nature of the satellite industry. It should be noted that the satellite industry could not avail itself of the cable license, because that license was created specifically for cable. It had to seek its own government license. The Internet services industry is not cable, nor is it satellite. It provides a new type of service which has not been considered by the Congress for purposes of a copyright compulsory license. Consequently, the Internet services industry may not avail itself of the cable copyright license or the satellite copyright license. If such a government imposed license is to apply to such services, it must be created by Congress specifically for those services.

To my knowledge, no court, administrative agency, or authoritative commentator has ever held or even intimated to the contrary. The Copyright Office, which administers these compulsory licenses, studied this issue exhaustively in 1997 and came to the same conclusion, which it reaffirmed in a letter this week. The conference provisions to which you object simply codify this well-established principle, nothing more.

Compulsory licenses constitute government regulation of private ownership, and therefore, like any other restriction on property, must be extended only with specific congressional action after considered deliberation. They are not flexible, nor are they to be interpreted to evolve to accommodate new situations. Government regulation of property is not to be decided by a court, but rather by Congress itself. Placing restrictions on property or preserving an ''opportunity'' for someone to make a case to an agency or court to take property without authorization is not proper under the law, or is it proper in the context of this conference.

A compulsory license is not an entitlement, but a specific public policy determination by Congress in response to a specific demonstrated need. Whether online services *should* have the benefit of a compulsory license to retransmit certain copyrighted materials without the permission of the copyright owner must be considered on its own merits after a need is demonstrated to the Congress. If Congress is to examine such a request, it must do so on the basis of a complete record, not in the haste of the closing hours of a session. Of course, nothing that is included in or omitted from the IPCORA conference report (or any other pending legislation) could possibly foreclose Congress from undertaking that examination in the future. Thus, any implication that approval of the conference report would ''permanently'' rule out any compulsory license for online services is unfounded. We are sure you did not intend to suggest otherwise.

Any resolution that we may adopt in the future does not change the current law which requires that issues concerning the dissemination of copyright materials over digital online communications services must be addressed and resolved in the marketplace, as no compulsory license currently exists for such services. Nothing prevents Internet services from negotiating directly with owners of copyrights regarding any of the exclusive rights guaranteed under section 106 of the Copyright Act pursuant to Article I, section 8, clause 8 of the Constitution.

We are currently prepared to consider other means of expressing the same conclusion in statutory language, but one way or

the other it is essential that we spell out unambiguously what the law now is. To do otherwise would sow confusion and risk encouraging defiance of the law, and would undermine the well-settled property rights of a key sector of the U.S. economy, the copyright industries. Most significantly, it would also be a disservice to our common goal of encouraging the widespread dissemination of copyrighted material through all available technologies. We stand ready to work with you to avoid that outcome.

Sincerely,

HENRY J. HYDE,
Chairman.
JOHN CONYERS, Jr.,
Ranking Democratic Member.
HOWARD COBLE,
Chairman, Subcommittee on Courts and Intellectual Property.
HOWARD BERMAN,
Ranking Democratic Member, Subcommittee on Courts and Intellectual Property.

LIBRARY OF CONGRESS,
DEPARTMENT 17,
Washington, DC, November 10, 1999.

Hon. HOWARD COBLE,
Chairman, Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN COBLE. I am writing to you today concerning pending proposals regarding the Satellite Home Viewer Act, and particularly the compulsory copyright licenses addressed by that Act. As the director of the Copyright Office, the agency responsible for implementing the compulsory licenses, I have followed the actions of the Congress with great interest.

Let me begin by thanking you for all your hard work and dedication on these issues, and by congratulating you on your success in achieving a balanced compromise. Taken as a whole, the Conference Report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999, represents a clear step forward for the protection of intellectual property. I particularly appreciate your support for provisions that improve the ability of the Copyright Office to administer its duties and protect copyrights and related rights.

I was greatly concerned when I heard the statements of Members on the floor of the House suggesting that in the final few legislative days of this session, subsection 1011(c) of the Conference Report should be amended or removed. Section 1011(c) makes unmistakable what is already true, that the compulsory license for secondary transmissions of television broadcast signals by cable systems does not apply to digital on-line communication services.

It is my understanding that some services that wish to retransmit television programming over the Internet have asserted that they are entitled to do so pursuant to to the compulsory license of section 111 of Title 17. I find this assertion to be without merit. The section 111 license, created 23 years ago in the Copyright Act of 1976, was tailored to a heavily-regulated industry subject to requirements such as must-carry, programming exclusivity, and signal quota rules—issues that have also arisen in the context of the satellite compulsory license. Congress has properly concluded that the Internet should be largely free of regulation, but the lack of such regulation makes the Internet a poor candidate for a compulsory license that depends so heavily on such restrictions. I believe that the section 111 license does not and should not apply to Internet transmissions.

I also question the desirability of permitting any existing or future compulsory license for Internet retransmissions of primary television broadcast signals. In my comprehensive August 1, 1997 report to Congress, *A Review of the Copyright Licensing Regimes Covering Retransmission of Broadcast Signals*, Internet transmissions were addressed in chapter VIII, entitled ''Should the Cable Compulsory License Be Extended to the Internet?'' The report concluded that it was inappropriate to ''besto[w] the benefits of compulsory licensing on an industry so vastly different from the other retransmission industries now eligible for compulsory licensing under the Copyright Act.''

The report observed that ''Copyright owners, broadcasters, and cable interests alike strongly oppose . . . arguments for the Interest retransmitters' eligibility for any compulsory license. These commenters uniformly decry that the instantaneous worldwide dissemination of broadcast signals via the Internet poses major issues regarding the United States and international licensing of the signals, and that it would be premature for Congress to legislate a copyright compulsory license to benefit Internet retransmitters at this time.'' The Copyright Office believes that there would be serious international implications if the United States were to permit statutory licensing of Internet transmission of television broadcasts.

Therefore I urge that no action be taken to remove or alter section 1011(c) of the Conference Report. At this point, to do so could be construed as a statement that digital online communication services *are* eligible for the section 111 license. Such a conclusion would be reinforced in light of section 1011(a)(1), which replaces the term ''cable system'' in section 111 of Title 17 with the term ''terrestrial system.'' In the absence of section 1011(c), section 1011(a)(1) might incorrectly be construed as implying a broadening of the section 111 license to include Internet transmissions.

The Internet is unlike any other medium of communication the world has ever known. The application of copyright law to that medium is of utmost importance, and I know that you have personally invested a great deal of time and energy in recent years to assure that a balance of interests is reached. Permitting Internet retransmission of television broadcasts pursuant to the section 111 compulsory license would pose a serious threat to that balance.

Please feel free to contact me if I can be of any assistance on this matter. Thank you.

Sincerely,

MARYBETH PETERS,
Register of Copyrights.

HARVARD LAW SCHOOL,
Cambridge, MA, November 15, 1999.

Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee, U.S. Senate, Washington, DC.

Hon. HENRY J. HYDE,
Chairman, Judiciary Committee, House of Representatives, Washington, DC.

DEAR CHAIRMEN HATCH AND HYDE: I am writing to you to express my views on a proposal to amend the cable and satellite compulsory licenses in Sections 111 and 119 of the Copyright Act. I have taught Copyright Law at Harvard Law School, as well as Michigan and Minnesota, for over thirty-five years and have written extensively and lectured throughout the world on this area of the law. In addition, I was very active in the legislative process that led to the Copyright Act of 1976 and appointed by President Ford and served as a Commissioner on the Commission for New Technological Uses of Copyright Works (CONTU).

The Conference Report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999, included amendments to Sections 111 and 119 to state explicitly that digital online communication services do not fall within the definitions of ''satellite carrier'' and ''terrestrial system'' (currently ''cable system'') and, therefore, are not eligible for either compulsory license. I understand that Congress is currently considering deleting these amendments or enacting legislation that would not include them. I believe that the amendments were wholly unnecessary and that the deletion or exclusion of them will have no effect on the law, which is absolutely clear digital online communication services are not entitled to the statutory license under either Section 111 or Section 119 of the Copyright Act.

A compulsory license is an extraordinary departure from the basic principles underlying copyright law and a substantial and significant encroachment on a copyright owners' rights. Therefore, any embiguity in the applicability of a compulsory license should be resolved against those seeking to take advantage of what was intended to be a very narrow extension to the copyright proprietor's exclusive rights. As the Fifth Circuit Court of Appeals has noted in a case involving another compulsory license: the compulsory license provision is a limited exception to the copyright holder's exclusive right to decide who shall make use of his [work]. As such, it must be construed narrowly, lest the exception destroy, rather than prove, the rule.

Fame Publishing Co. v. *Alabama Custom Tape, Inc.*, 507 F.2d 667, 670 (5th Cir. 1975).

In this situation, however, there is absolutely no ambiguity as to the correct construction of the cable and satellite compulsory licenses. Neither the language of the Copyright Act, nor any statement of Congressional intent at the time of their enactment, nor any judicial interpretation of Section III or Section 119 in any way suggests that these compulsory licenses could apply to digital online communication services. And, as far as I know. the representative of these services have not offered any substantive argument to the contrary—with good reason. No reasonable person—or court—could interpret these statutory licenses to embrace these services.

And if there was any doubt left in anyone's mind, the federal agency charged with interpreting and implementing these statutory licenses, the United States Copyright Office, has addressed this issue directly: retransmitting broadcast signals by way of the Internet is clearly outside the scope of the current compulsory licenses. In fact, the Copyright Office recommended in 1997 that Congress not even create a new compulsory license, concluding that it would be ''inappropriate for Congress to grant Internet retransmitters the benefits of compulsory licensing.'' *See* U.S. Copyright Office. A Review of the Copyright Licensing Regimes Covering Retransmission of Broadcast Signals (August 1, 1997), at 99 and Executive Summary at xiii.

My work in the field of copyright over the past decades, especially my extensive activities in connection with the development of the legislation that became the Copyright Act of 1976, leads me to agree with the Office's conclusions that it would be far too premature to extend a compulsory license to the Internet. That conclusion seems sound given the enormous differences between the Internet and the industries embraced by the existing licensing provisions and the need to engage in extensive research and analysis regarding the potentially enormous implications of digital communications. We simply

do not know enough to legislate effectively at this point. Doing so at this time—especially without hearing from numerous affected interests—would create a risk of upsetting the delicate balance between the rights of copyright proprietors and the interests of others.

Thus, in any judicial action, that might materialize by against the providers of digital online communications services, the court would be bound by the Copyright Office's interpretation of the statutory licenses. *See Cablevision Systems Development Co.* v. *Motion Picture Association of America, Inc.*, 836 F.2d 599, 609–610 (D.C. Cir. 1988) (deferring to the Copyright Office's interpretation of Section 111, noting Congress grant of statutory authority to the Copyright Office to interpret the Copyright Act, and the Supreme Court's indication that it also would defer to the Copyright Office's interpretation of the Copyright Act), *Satellite Broadcasting and Communications Assoc.* v. *Owens*, 17 F.3d 344, 345 (11th Cir. 1994) (holding that valid exercises of the Copyright Office's statutory authority to interpret the provisions of the compulsory licensing scheme are binding on the court).

In summary, based on the unmistakable fact that digital online communication services are ineligible for the cable and satellite compulsory licenses and the identical, unequivocal interpretation by the Copyright Office, amendments to the existing statute reiterating this legal truth are unnecessary. Consequently, the status quo with respect to who is eligible for the statutory licenses will remain undisturbed whether Congress deletes these amendments from the pending legislation or excludes them from subsequent legislation.

Respectfully yours,

ARTHUR R. MILLER,
Bruce Bromley Professor of Law.

The SPEAKER pro tempore (Mr. PEASE). All time has expired.

Pursuant to House Resolution 386, the previous question is ordered.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. I think it is safe to say that I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Obey moves to recommit the conference report on H.R. 3194 to the Committee of Conference with instructions that the House Managers not agree to any provisions which would reduce or rescind appropriations for Veterans Medical Care.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 212, nays 219, not voting 4, as follows:

[Roll No 609]

YEAS—212

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—219

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Brady (TX)
Capps
Conyers
Wexler

□ 1725

Messrs. GARY MILLER of California, MANZULLO, DREIER, CUNNINGHAM, and Mrs. MYRICK changed their vote from ''yea'' to ''nay.''

Mr. LUTHER, Ms. RIVERS, Mr. MCINTYRE, Mr. HILL of Indiana, Mr. HILLIARD, Ms. CARSON, Messrs. DOGGETT, LAFALCE, and GREEN of Wisconsin, and Ms. MCKINNEY changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 296, nays 135, not voting 4, as follows:

[Roll No. 610]

YEAS—296

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chambliss
Clay
Clyburn
Coble
Collins
Combest
Cooksey
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Dunn
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Granger
Greenwood
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Owens
Packard
Pascrell
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rangel
Regula
Reynolds
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tierney
Towns
Traficant
Turner
Velazquez
Vento
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—135

Baird
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Berkley
Berry
Blumenauer
Boswell
Brown (OH)
Burton
Campbell
Capuano
Carson
Chabot
Chenoweth-Hage
Clayton
Clement
Coburn
Condit
Cook
Costello
Cox
Coyne
Crane
Davis (FL)
DeFazio
DeGette
Delahunt
Doggett
Doolittle
Duncan
Edwards
Ehlers
Etheridge
Filner
Ford
Gejdenson
Goode
Gordon
Graham
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (TX)
Hefley
Hill (IN)
Hill (MT)
Hoeffel
Holden
Holt
Hostettler
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, Sam
Jones (NC)
Kaptur
Kildee
Kind (WI)
Kleczka
Kucinich
Larson
LaTourette
Lewis (GA)
Lipinski
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
McCarthy (MO)
McDermott
McInnis
McIntyre
Meehan
Miller, George
Minge
Mollohan
Moore
Moran (KS)
Napolitano
Oberstar
Obey
Oxley
Pallone
Pastor
Paul
Peterson (MN)
Petri
Phelps
Pombo
Pomeroy
Rahall
Ramstad
Reyes
Rivers
Roemer
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanford
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Shadegg
Shays
Simpson
Spence
Stabenow
Stark
Stearns
Strickland
Tanner
Taylor (MS)
Terry
Thompson (MS)
Thurman
Toomey
Udall (CO)
Udall (NM)
Upton
Visclosky
Waters
Watkins
Weldon (FL)
Weller
Wise

NOT VOTING—4

Brady (TX)
Capps
Conyers
Wexler

□ 1736

Mr. GORDON changed his vote from ''yea'' to ''nay.''

Mrs. PRYCE of Ohio and Mr. HILLIARD changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to Section 2 of House Resolution 386, House Concurrent Resolution 234 is considered as adopted.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 173

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Con. Res. 173.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 385, I call up the joint resolution (H.J. Res. 83) making further continuing appropriations for the fiscal year 2000, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 83 is as follows:

H.J. RES. 83

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–62 is further amended by striking ''November 23, 1999'' in section 106(c) and inserting in lieu thereof ''December 2, 1999'', and by striking ''$346,483,754'' in section 119 and inserting in lieu thereof ''$755,719,054''. Public Law 106–46 is amended by striking ''November 23, 1999'' and inserting in lieu thereof ''December 2, 1999''.

The SPEAKER pro tempore. Pursuant to House Resolution 385, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 83 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the amendment at the desk be agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida:

Strike ''November 23'' where it appears twice in the resolution and insert in lieu thereof ''November 18''.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. THOMAS. Mr. Speaker, reserving the right to object, and I shall not object, I rise to allow the House to recognize a public servant who for 21 years served this House, went into retirement 11 years ago and when the House asked would Bob Berry please come back and help us attend to the business of the House, Bob Berry came out of retirement in a very difficult time and allowed this House to function as we would like to function.

Bob Berry, the House owes to you our gratitude.

Mr. Speaker, I withdraw my reservation of objection.

Mr. OBEY. Mr. Speaker, reserving the right to object, I would ask the

gentleman from Florida (Mr. YOUNG) to explain both the amendment that he is proposing and the resolution.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. The purpose of the amendment will address the issue of the previous continuing resolution. The CR that we passed earlier today would have authorized continuing appropriations from today until November 23. Because of the concern in the Senate that they may need a little extra time in dealing with this proposal and to give the President sufficient time to adequately review the appropriations agreement, this amendment would change the date from November 23 to December 2 to today until December 2.

Mr. OBEY. Further reserving the right to object, would the gentleman explain the amendment that strikes November 23 and inserts November 18?

Mr. YOUNG of Florida. November 18 is today, and we are amending this resolution so that it begins today and runs until December 2.

Mr. OBEY. So it is purely technical?

Mr. YOUNG of Florida. Purely technical. However, it does give additional time to the Senate and provides additional time for the President to use his full 10 days, if he so desires, to review this legislation.

Mr. OBEY. Mr. Speaker, further reserving the right to object, let me simply take 10 seconds to thank the staff on both sides of the aisle for all of the work that they have done. Even when that work sometimes produces turkeys as a result, it is not the fault of the staff; it is at the direction of the politicians themselves.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would like to join the gentleman in that commendation of the appropriators and their staff, with our clerk Jim Dyer and your clerk Scott Lilly, with the front office staff, John Mikel and Chuck Parkinson and all of the members of the Committee on Appropriations staff. When we finished at 2:00 or 3:00 in the morning, they worked until 5:00 or 6:00 in the morning and they have worked almost every weekend for the last 2 months. They have done a really dynamic job, and I appreciate the gentleman raising that issue.

There are many more staff on the Committee on Appropriations that I would like to now recognize for the excellent work that they do.

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Mr. OBEY. Merry Christmas.

Mr. YOUNG of Florida. Happy Thanksgiving.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the amendment offered by the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The amendment is agreed to.

□ 1745

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). All time for debate has expired.

The joint resolution, as amended, is considered as having been read for amendment.

Pursuant to House Resolution 385, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and as read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution, as amended.

The joint resolution, as amended, was agreed to.

A motion reconsider was laid on the table.

REPORT ON NATION'S ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during Fiscal Year (FY) 1998, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 14 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during FY 1998. The National Aeronautics and Space Administration (NASA) successfully completed five Space Shuttle flights. There were 29 successful Expendable Launch Vehicle (ELV) launches in FY 1998. Of those, 3 were NASA-managed missions, 2 were NASA-funded/Federal Aviation Administration (FAA)-licensed missions, 8 were Department of Defense (DOD)-managed missions, and 16 were FAA-licensed commercial launches. Scientists also made some dramatic new discoveries in various space-related fields such as space science, Earth science, and remote sensing, and life and microgravity science. In aeronautics, activities included work on high-speed research, advanced subsonic technology, and technologies designed to improve the safety and efficiency of our commercial airlines and air traffic control system.

Close international cooperation with Russia occurred on the Shuttle-*Mir* docking missions and on the ISS program. The United States also entered into new forms of cooperation with its partners in Europe, South America, and Asia.

Thus, FY 1998 was a very successful one for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 18, 1999.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2699

Mr. CHAMBLISS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2699.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1180, TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 387 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 387

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, H.Res. 387 would grant a rule waiving all points of order against the conference report to accompany H.R. 1180, the Ticket to Work Incentives Improvement Act of 1999, and against its consideration. The rule further provides that the conference report shall be considered as read.

Mr. Speaker, the conference report to accompany H.R. 1180 establishes a ticket to work program for recipients of Social Security disability benefits to seek vocational rehabilitation and employment services as well as enabling those individuals to work while keeping their health insurance. This legislation also creates new options for States to allow disabled individuals to purchase Medicaid insurance.

The conference agreement also provides approximately $15.8 billion in tax relief over 5 years, $18.4 billion over 10 years, by extending certain tax credits. This tax extenders package includes renewal of several expiring tax credit provisions, including the R&D tax credit, the Work Opportunity Tax Credit, and the Welfare-to-Work Tax Credit as well as providing tax relief for individuals and families by protecting at least 1 million families from higher taxes over the next 3 years due to the AMT tax. Finally, the measure includes approximately $2.6 billion in revenue offsets over the next 5 years and $2.9 billion over the next 10 years.

Mr. Speaker, I applaud the gentleman from Texas (Chairman ARCHER) and the gentleman from New York (Mr. RANGEL), ranking member, for their leadership in resolving the many complex issues contained in this legislation and urge my colleagues to support both the rule and the conference report itself.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I have heard it said that human beings exhibit their most creative potential when they are kindergarten age. Well, whoever said that probably needs to spend a little time around here at the end of a session. There is some very creative work being done.

Vexing problems which have been around for months and may be even years are suddenly solved when the sand starts running out of the Congressional hour glass, or they are suddenly turned into bargaining chips. Witness what is happening with reproductive rights and the payment of our UN debts.

Major issues which have languished unattended are addressed and then tossed abroad whenever the legislative vehicle is leaving the station. Meanwhile, many others, such as the bill of rights protecting people from their HMOs or efforts to fight gun violence never get their tickets punched.

But rest assured, Mr. Speaker, the American people want a Patients' Bill of Rights, they want us to do better on gun violence, and they will be watching when we return in the year 2000.

As for the rule which is currently before us, H. Res. 387, it provides for the consideration of several disparate issues which have been corralled under a single bill title.

Part A of the bill is the Work Incentives Improvement Act, a bill to modernize our woefully outdated national disability policies.

When policies on Medicaid and other programs for the disabled were first developed decades ago, having a disability often meant that an individual is confined to home or an institution. Today, however, with advances in technology, training, and rehabilitation, many individuals with disabilities are allowed to hold good jobs and live very full lives in the mainstream of society.

The Work Incentives Improvement Act will allow persons with disabilities to continue receiving certain benefits, particularly health coverage, while returning to work. The proposal also provides for more State flexibility and serving individuals with disabilities through health programs, associated services like transportation assistance, and training.

This legislation does not benefit only persons with disabilities, it also has major benefits for the Federal Government and the taxpayer. If an additional one-half of 1 percent of the current Social Security Disability and Supplemental Security Income recipients were to cease receiving benefits as a result of employment, the savings and cash assistance would total $3.5 billion over the worklife of the individuals.

This worthy legislation was passed by the House overwhelmingly earlier this year, and I expect it will enjoy similar support today.

Part B of the underlying bill is a collection of tax extenders. I am pleased that this agreement includes a 5-year extension for research and development tax credit. Science and technology are critical for our future development, our knowledge about the world around us, and our understanding of ourselves.

I have long been a strong supporter of incentives to encourage businesses to invest in the development of new technologies and products. Through its existence, the R&D tax credit has served as a fundamental component of our Nation's competitiveness strategy by increasing the amount of research undertaken by the private sector.

One key provision which I would have strongly supported had it been allowed to remain in the bill would have entitled workers to better pension benefits through what is known as section 415 of the tax code. But, regrettably, this provision was left at the station.

In addition, the bill includes a delay in the implementation of rules proposed by the Department of Health and Human Services to restructure organ allocation in our Nation. While this delay is not likely to please people on either side of this emotional issue, it should at least allow the Congress to debate this matter more fully when we return in January.

Mr. Speaker, my main regret on the legislation is that we are dealing with what should have been several bills and are, instead, forced to consider them as a single package. This approach limits debate and prohibits many Members from exercising their right to discuss the legislation. It is unfair and it is unnecessary. There is no reason why these bills should not have been brought up earlier under open rules with full debate. This is to say nothing of the many, many worthwhile bills that are being pushed aside altogether in the majority's rush to adjourn.

But we are coming back with renewed energy and commitment to passing the Patients' Bill of Rights, increasing the minimum wage for working families, and halting the violence and gunfire which threatens our homes and our communities.

Mr. Speaker, by all accounts, this will be the final rule to be considered this century. This is also the final rule of this millennium. Those of us who serve on this important committee are keenly aware of its historical and institutional role in this Congress on behalf of the American people. Grounded by that tradition and honored by the opportunity, we are thankful to the Members who have gone before us, and we look forward to the new millennium and meeting the challenges facing the American people in the 21st Century. I am grateful for my colleagues on the Committee on Rules.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for noting that this is the last rule of this millennium. From my perspective, I had forgotten about that, and I thank the gentlewoman for bringing it up.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 391), and I ask unanimous consent for its consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 391

Resolved, That the following named Member be, and is hereby, elected to the following standing Committees of the House of Representatives:

Committee on Agriculture and Committee on Science: Mr. Baca of California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1800

CONFERENCE REPORT ON H.R. 1180, TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 387, I call up the conference report on the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 387, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 17, 1999, at page H12174.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative within which to revise and extend their remarks and include extraneous material on the conference report H.R. 1180.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.R. 1180, the Ticket to Work and Work Incentives Act, which also contains an important package of tax relief for American workers and families.

First, let me discuss the Ticket to Work and Work Incentives Act. Most of those receiving disability benefits today, due to the severity of their impairments, cannot attempt to work. Today, however, the Americans with Disabilities Act, along with advances in technology, medicine and rehabilitation, are opening doors of opportunity never thought possible to individuals with disabilities. Now people can telecommute to work. There are voice-activated computers. And, as technology provides new ways to clear hurdles presented by a disability, government must also keep pace by providing opportunity and not just dependency. Government should be helping people to work, not building barriers to independence and freedom.

This is one more victory in a string of health care achievements that the Republican Congress has guided into law. We strengthened Medicare, we made health insurance more portable, we passed tax breaks for long-term health care and to cut health insurance costs for people who buy their own health insurance, unfortunately, only to see all those vetoed by the President. And now we have modernized a key program for people with disabilities so that the Government is a help and not a hindrance. Mr. Speaker, that is truly a record of achievement and progress.

Another significant victory is the tax relief package in this bill. Because of our action, millions of families can now breathe easier knowing they will not get hit with a surprise tax hike for the next 3 years because we fixed the alternative minimum tax. The AMT is

a perfect example of an out-of-control Tax Code. Under the AMT, taxpayers are not allowed to claim the full child tax credit, the dependent care tax credit, the Hope Scholarship tax credit, and other tax credits which Congress passed to help Americans make ends meet. So the Tax Code was giving on one hand while quickly taking away with the other. This bill, today, fixes that for middle-income families, hundreds of thousands of them, for the next 3 years.

This bill also helps American companies maintain their cutting edge of research and development which will lead to new products, better medicines and a higher standard of living for consumers because it extends the most important R&D tax credit. For the first time in a long while, we have extended the tax credit for 5 years instead of hand-to-mouth year after year, on which no one can fully depend. Now businesses can plan for the future.

Another significant achievement of this bill is that Congress convinced the President that American taxpayers are paying too much and deserve some of their money back. Yes, it is only a small portion, but any amount of taxpayer funds that can be gotten out of Washington is money that cannot be spent on making government bigger. And that is exactly what this bill does.

This is one more achievement for a Congress that keeps delivering for the American people. We have made historic progress in paying down the debt, $140 billion alone in the last 2 years. We are locking away the Social Security surplus so it cannot be spent on other things, and we are working on a long-term plan to save Social Security for all time. And now we have agreed to start returning a portion of the non-Social Security surplus to the taxpayers who send it here, and that is real progress.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was hoping that on this last bill, that the gentleman from Texas (Mr. ARCHER) and I have worked on together, that we might have found a more bipartisan tone than the one which the gentleman has just expressed today.

The gentleman talks about the accomplishments and what has been done for those people that are disabled as though his Democratic colleagues did not join with him to make this bill all that it is. The President presented this to the Congress and we worked together, and I agree that we do have a good bill.

There are some things that the gentleman does not talk about, and I expect that there is good reason for it. The gentleman has a delay here for the President's program dealing with transportation network for organ procurements, and the gentleman delays this from going into effect. It is controversial; it has nothing to do with taxes, but somehow the gentleman got that in there.

The gentleman has some other bill that came from the other side, a contractor that deals with NOAA. It has nothing to do with taxes or the disabled.

And then, when we get involved with taxes, the gentleman talked about a Congress that produces. Well, I had hoped that we would not end on this note; but the last I heard from the majority, they were pulling up the Tax Code by the roots. True, that was 6 years ago, 5 years ago, 4, 3, 2, 1, and continuously counting down. The closest the other side came to even dealing with the Tax Code, as I recall, was a $792 billion tax cut that never even got off the ground. And if we were to just weigh that bill, I hardly believe that even the staunchest conservative Republican would say that it simplified the Tax Code.

Now, I would have to agree with the gentleman that on the expiring provisions, the extensions of legislation that is existing law, that the gentleman and I worked together not as a Democrat or a Republican, but we worked together as tax writers, and with the help of the administration we were able to get these provisions paid for. We were able to put it in in a responsible way.

We could not stop all of the irresponsible things the other side wanted to do, so some people might want to focus on how the Republicans intend to make electricity out of chicken waste. But the gentleman insisted on the provision, we have it here, and God bless. The gentleman can join the wind and the closed-loop biomass, and if that is the way the other side wants to spend the credits, they are the majority and they can do it. But that is one of the things that we did not want to be associated with.

But I agree with the gentleman on the other good provisions. What are they? The extensions of existing law; to say that this Congress will not be irresponsible and allow these provisions to expire without doing the right thing.

So what I would like to say to the gentleman from Texas (Mr. ARCHER) is that he has no idea the pleasure it has been working with him on these positive things. And the only reason I stand up to point out some differences with the gentleman is that I would appreciate the gentleman not calling them Republican initiatives. The good ones are the bipartisan initiatives; the bad ones belong to the other side.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to say that I think that it is unfortunate that the gentleman from New York has sought to try to, through his rhetoric, create some degree of partisanship. I would have liked to have given him far more credit on this bill. Much of what is in here are things that he wanted, but he would not sign the conference report. And, frankly, that does take away from bipartisanship.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD), a member of the committee.

(Mr. RAMSTAD asked and was given permission to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, I thank the chairman for yielding me this time, and I also thank him for his strong leadership on this legislation.

Mr. Speaker, I rise in strong support of this important bill. Helping people with disabilities live up to their full potential has been a top priority of mine ever since being elected to Congress, in fact, 10 years before as a State senator as well. I also strongly support the tax extender provisions in this bill.

I must say that I was disappointed, however, that the administration insisted that an important revenue-raising provision be dropped from the final agreement. This provision was based on legislation I sponsored, H.R. 3082, which was cosponsored by a strong bipartisan majority on the Committee on Ways and Means. This legislation would have protected employees' stock ownership plans, ESOPs for S-corporation workers by preventing the abuse of tax rules that help them build retirement savings and equity in their company. But unfortunately, the administration wanted to impose a draconian scheme that would have effectively killed ESOPs; would have killed this savings opportunity for thousands of American workers.

Thanks to the leadership of the gentleman from Texas (Mr. ARCHER) and the bipartisan support for S-corporation ESOPs in Congress on the Committee on Ways and Means and in the full body, the administration's misguided proposal was soundly rejected in negotiations over this extenders package, and for that I am grateful. This was a victory for American workers and a victory for boosting America's dangerously low savings rate.

Although these ESOPs S-Corporation legislation was not enacted in this bill this session, I am pleased that Congress resisted the administration's plan to dismantle ESOPs, because they are highly effective retirement savings programs.

We are going to be back with this next year, and again I thank the chairman for his leadership.

Mr. Speaker, I rise in strong support of the bill before us. Helping people with disabilities live up to their full potential has been one of my top priorities even since I was first elected to public office.

I also strongly support the important tax extender provisions which will save families from being unfairly penalized by the Alternative Minimum Tax and will keep U.S. businesses competitive, innovative and job-creating.

I was disappointed the Administration insisted that an important revenue-raising provision be dropped from the final agreement. This provision was based on legislation I introduced (H.R. 3082) which is cosponsored by a

strong bipartisan majority of the Ways and Means Committee.

H.R. 3082 would protect employee stock ownership plans (ESOPs) for S corporation workers by preventing the abuse of tax rules that help them build retirement savings and equity in their company. But unfortunately, the Administration wanted to impose a draconian scheme that would have effectively killed this savings opportunity for thousands of American workers.

Thanks to the leadership of Chairman ARCHER and the bipartisan support for S corporation ESOPs in Congress, the Administration's misguided proposal was soundly rejected in negotiations over this extenders package. That was a victory for American workers, and a victory for boosting America's dangerously low savings rate.

Although H.R. 3082 was not enacted in this session, I am pleased Congress resisted the Administration's plan to dismantle these ESOPs, which are a highly effective retirement savings program. Thank you, Mr. Speaker.

Mr. Speaker, I can't tell you how long I have waited, along with many of my friends with disabilities in Minnesota, for this day. As many of my colleagues know, I have been working hard to help people with disabilities live up to their full potential since my election to this body in 1990, and as a Minnesota State Senator ten years prior. In fact, in 1993, Rep. Pete Stark and I introduced legislation to achieve the same goal we seek today.

As I have reminded my colleagues before, it was nine years ago that many of us enacted the ADA. It was nine long years ago that president Bush signed it into law and said, ''Many of our fellow citizens with disabilities are unemployed. They want to work and they can work . . . this is a tremendous pool of people who will bring to jobs diversity, loyalty, low turnover rate, and only one request: the chance to prove themselves.''

Mr. Speaker, despite the remarkably low unemployment rate in this country today, many of those with disabilities are still asking for this change to prove themselves in the workplace.

Despite all the good that the ADA has done to date, there is still room for improvement. The ADA did not remove all the barriers within current federal programs that prohibit people with disabilities from working. It's time to eliminate work disincentives for people with disabilities!

Eliminating work disincentives for people with disabilities is not just humane public policy, it is sound fiscal policy. It's not only the right thing to do; it's the cost-effective thing to do!

Discouraging people with disabilities from working, earning a regular paycheck, paying taxes and moving off public assistance actually results in reduced federal revenues.

People with disabilities have to make decisions based on financial reality. Should they consider returning to work or even making it through vocational rehabilitation, the risk of losing vital federal health benefits often becomes too threatening to future financial stability. As a result, they are compelled not to work. Given the sorry state of present law, that's generally a reasonable and rational decision.

We must transform these federal programs into spring-boards to the workforce for people with disabilities. This important bill does just that.

As I have said many times, preventing people from working runs counter to the American spirit, one that thrives on individual achievements and the larger contributions to society that result.

I implore my colleagues to vote for this important legislation before us today!

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume, and would just like to say to the chairman that I understand that my signature was expected at midnight last night, and I am sorry I could not be with him, because then the gentleman might have treated me more gently this evening.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a very important bill. It contains some very important provisions. I want to applaud the Clinton administration for the initiative and bringing forward the Ticket to Work legislation. It removes impediments from disabled individuals being able to return to work. It will save us money. If we get people off of disability to work, as they want to work, this legislation is very important.

Secondly, the tax extenders are very important. We all want to extend the tax provisions that would otherwise expire, whether it be for research and development or some of the other provisions that are in the bill.

But, Mr. Speaker, I must express my concern about a provision that was added that deals with the fair allocation of organs that would block HHS's regulation in this area. I believe that that provision will jeopardize the health of critically ill patients, and it is also inconsistent with our last vote on the budget omnibus bill.

The HHS regulation went through a process. It listened to the public; it listened to the Institute of Medicine and came forward with recommendations that tries to take geographical politics out of organ distribution and do it to people who are the most critically in need.

□ 1815

I hope we can follow the compromise that was in the last bill because that was a fair compromise that was reached that requires HHS to go out and listen and explain the regulations to the public. It is inconsistent with the provisions that are in this bill.

I hope that HHS will not have to follow the language because it is inconsistent with the last bill because, otherwise, I think we are going to jeopardize the health of the critically-ill individuals.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, let me begin by thanking the distinguished gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means, for his fine work and for his leadership in getting this to the floor. Let me thank the gentleman from Virginia (Mr. BLILEY), the chairman of my committee, for holding hearings immediately and being the first to actually move the Work Incentives Improvement Act.

This has been a remarkable achievement. I think there are many who believe that we would never get to this day. But, in fact, we are here.

I want to thank people on both sides of the aisle, the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Minnesota (Mr. RAMSTAD), the gentleman from California (Mr. MATSUI), and the gentleman from California (Mr. WAXMAN) for working in a bipartisan fashion on the Work Incentives Improvement Act.

Today, Mr. Speaker, we have the privilege of taking the most significant stride forward for rights of disabled people since the Americans with Disabilities Act. We are addressing the next great frontier when it comes to fully integrating disabled Americans into society, giving them the same economic opportunities that the rest of us enjoy.

Mr. Speaker, many Americans with disabilities rely on Federal health care and social services, assistance that makes it possible for them to lead independent and productive lives. But, unbelievably, we condition this assistance on their destitution. People with disabilities must get poor and stay poor if they are going to retain their health care benefits. They have got to choose between working and surviving.

That is why I introduced the Work Incentives Improvement Act, and that is why we have over 250 cosponsors from both sides of the aisle to end this perverse system of allowing Americans with disabilities to enter the workforce without endangering their health care coverage.

Mr. Speaker, a 1998 Harris survey found that 72 percent of Americans with disabilities want to work, but the fact remains that only one-half of one percent of dependent disabled Americans successfully move to work. Each percentage point of Americans moving to work represents 80,000 Americans who want to pay all or part of their own way but cannot; 80,000 Americans who are forced by a poorly designed system to sit on the sidelines while American businesses clamor for qualified workers.

This bill, in the end, Mr. Speaker, is about empowering people, people like a 39-year-old Navy veteran from my district who used to work on Wall Street and hoped to become a stockbroker but an accident in 1983 left him a quadriplegic. And even though he requires assistance for even the most basic daily activities, he never gave up on his dream. And 10 years after his accident, he passed the grueling stockbroker licensing exam. But, like most disabled Americans, he cannot afford to lose his health care benefits. If it

were not for the current Federal rules, he would be a practicing, taxpaying stock broker today.

The Work Incentives Improvement Act ends this injustice. It rips down bureaucratic walls that stand between people with disabilities and a paycheck. It is important to remember that a paycheck means a lot more than just money. For a disabled American or any American, it means self-sufficiency. It means pride in a job well done. It means dignity.

Mr. Speaker, we have come a long, long way since the time when Americans with disabilities were shunted off to the farthest corners of our communities. Many Americans have been waiting for us to give them a chance to pursue the American dream. Today let us tell them that the wait is over. Let us get the Work Incentives Improvement Act passed today.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the disability provisions of this act are really important and are going to make a difference in the lives of many. But I want to talk about two other provisions that will make our country more prosperous, and that is the R&D tax credit and Section 127 of the Tax Code.

Our party's position, the Democratic position, as stated by our leader is that the R&D tax credit should be permanent. This 5-year extension is really in the right direction. I am happy to support it. But next year we are going to go for permanent.

On 127, I was so pleased that the gentleman from New York (Mr. RANGEL), the ranking member, has taken so much time to work on this. It is important that we support employer-supported tuition reimbursement plans. In this day and age, when the best educated workforce means they will be competitive, encouraging employers to help employees to continue their education is essential.

Again, I am happy to support this extension, and I look forward to extending this to graduate education. I thank the gentleman from New York (Mr. RANGEL) whose understanding and support of high-tech issues in this bill comes through loud and clear. He really followed through on the commitments he made when he came and visited Silicon Valley and really understood the issue of competitiveness and technology and education.

So kudos to the gentleman from New York (Mr. RANGEL) for his wonderful work. I look forward to taking both of these provisions just a little bit farther in the next Congress.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I do want to just correct a statement made by the prior speaker when she described their efforts to extend permanently the R&D tax credit.

We can tell our colleagues from negotiations that Mr. Summers, the Treasury Secretary, vehemently opposed that permanent extension. So that, if that is the position of the party, we would like the Secretary of the Treasury to be informed of that position so that it would be much easier for the chairman of the Committee on Ways and Means to accomplish something he tried to do at the very outset of deliberations.

I want to also suggest to my colleagues how proud I am to stand up and support this bill. Credits to Puerto Rico and U.S. possessions, minimum tax relief for individuals, permitting full use of personal nonrefundable credits, welfare-to-work tax credits, work opportunity tax credits, a number of initiatives that I think will stimulate the economy, continue us on our road to prosperity, continue to see additional revenues to the Treasury so we can continue to reduce the debt of the American taxpayers to increase and enhance investment in America.

I commend the gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means, for seeing this bill to the successful conclusion. Especially, I would like to note the ticket-to-work and Work Incentives Improvement Act of 1999.

So oftentimes some of our vulnerable citizens in society who have been stricken by illnesses and ailments have been unable to make the required choice of whether to stay employed and then forgo, if you will, the Social Security, the Medicare-Medicaid provisions. This bill now makes an attempt, to allow those capable and able individuals to be in the workforce, continue those vital health insurance needs provided by Medicaid and Medicare, and allow them to be productive, taxpaying citizens.

So I applaud the bill and I urge Members to vote for passage of this bill as it comes to the floor.

Mr. RANGEL. Mr. Speaker, it is with great pleasure that I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the former chairman and now ranking member of the Committee on Commerce, my friend and distinguished colleague.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I thank my good friend, the gentleman from New York (Mr. RANGEL) for his kindness to me.

We take one step forward and one back. The bipartisan agreement on organ allocations was reached during negotiations between Labor, HHS and on that appropriations bill.

The revised regulation would not become final until 42 days after enactment, sufficient time to enable the comments on the revisions and, if necessary, to make further modifications. Now we are witnessing an end run by opponents to this proposal with regard to organ allocation policy.

The legislation before us contains a moratorium of 90 days on any allocation regulation. This delay has a huge cost. The regulation calls for broader organ sharing. This is consistent with the conclusion of the National Academy of Sciences, which studied the allocation system.

HHS has stated that approximately 300 lives per year could be saved through broader sharing. The math is simple. There is a difference between a 42-day delay and a delay of almost 90 days.

Two more points to be made. First, blocking HHS oversight amounts to privatization of Medicare and Medicaid expenditures attributable to organ transplants. If my colleagues want to privatize Medicare, let them do it in the open and proper fashion.

Second, blocking HHS oversight continues the proliferation of State organ allocation statutes, at least 12 by last count. That is directly in conflict with the current allocation criteria and with good sense.

The same Members who decry political or bureaucratic involvement in organ allocation policy when they have HHS in mind are stunningly silent when politicians and bureaucrats involved in this are State officials.

A lack of leadership on the issue is creating immense fragmentation of organ allocation policies, just the opposite direction of where IOM said the allocation policies should go.

In like fashion, the Work Incentives Act of 1999 is a large step in the correct fashion. It will ensure that the disabled no longer have to choose between health care and their jobs. The bill also includes a demonstration project to provide health coverage to people who have serious conditions but are not fully disabled, these people who have multiple sclerosis or cerebral palsy. This would enable them to remain as working members of society.

Thanks to hard work and dedication on the part of the administration and the disability community, additional funding has been secured for a very important project here.

During the past few weeks, controversy has swirled around proposed offsets in the bill. Parties from both sides have agreed to remove some of the most contentious payfors. However, I have heard objections from many of my constituents about two offsets that remain, a provision to change the way that students loans are financed and a tax on payments to attorneys who represent Social Security claimants.

Although I am going to vote for this bill, I have substantial concerns for these offsets. And, very truthfully, the things that are done here are wrong.

The Work Incentives Act has overcome many obstacles in its legislative history. The bill is on the floor today because it is based on good policy and because it will make a difference of lives of people with disabilities. For that reason, I support it.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW), the respected chairman of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, this legislation is about work. Its goal is to help individuals with disabilities work and support themselves and support their families.

Today only three in ten adults with disabilities work, compared with eight in ten adults without disabilities. A big reason is Government programs take away cash and medical benefits if disabled individuals find and keep jobs. That must change. And it will change under this bill that is before us today.

No one should be afraid of losing benefits if they do the right thing and try to work. We should reward and help especially those who struggle to overcome their disabilities. That is why we are offering the new tickets disability individuals can use to obtain whatever services they need in order to work.

But we do not stop there. We extend health care coverage for a total of 8½ years so that no one has to fear losing their medical coverage if they go to work.

Some may still not risk going to work for fear of having to wait months or even years to get back on the benefits if their health begins to once again decline. So we ensure disabled individuals can quickly get back onto the rolls if they try to work but their health deteriorates.

That is the right kind of safety net, one that encourages work and protects those who need help along the way. From providing more help, finding and keeping a job, ensuring health care coverage, to strengthening the safety net to those who cannot stay on the job, this legislation does the right thing. This is another historic step to ensure that everyone can know the dignity that comes with work.

I urge all Members to support this bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN), the ranking member of the Subcommittee on Health and Environment of the Committee on Commerce.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me the time.

Mr. Speaker, this Congress owes a debt of gratitude to the gentleman from New York (Mr. LAZIO) and to the gentleman from California (Mr. WAXMAN). Thanks largely to their efforts, we have an opportunity to do something right. I wish I could say that more often.

We owe a debt of gratitude especially to the gentleman from Michigan (Mr. DINGELL) and the gentleman from New York (Mr. RANGEL) under whose leadership proponents of this legislation managed to defend repeated attempts to emasculate it.

Finally, we owe a debt of gratitude to President Clinton. The President and his exceptional health team have demonstrated their commitment to the goals of this bill in a number of ways, lending their assistance again and again as this arduous process moved forward.

The idea behind the bill is simple. If individuals want to work, let us help them work. For many disabled individuals, the ability to work hinges on reliable health care. Yet, under current law, work means losing access to that care. By providing continued access to Medicare and Medicaid, the Work Incentives Improvement Act enables individuals to leave the disability roles and go back to work.

H.R. 1180 taps into the tremendous human potential that all of us have and takes us closer to a time where equal opportunity for disabled people is no longer an objective, it is a fact.

Nothing is perfect. This bill could have been much closer to that ideal if the Republican leadership had not coopted it with a self-serving moratorium on the organ allocation bill. And there is a user fee provision that may reduce the number of attorneys willing to represent disabled clients. It is not a particularly well thought out provision. But overall, Mr. Speaker, the bill is a victory for the disabled and a much needed reminder that American values are, in fact, intact.

I ask for support of the bill.

□ 1830

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the respected chairman of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time. I want to comment briefly on two parts of this bill. First of all, it is really a joy to know that people in my district who suffer from physical or mental disabilities and who want to work and are capable of work but cannot work because of fear of losing their health coverage are going to be able to work. And as the Christmas holidays approach and they are offered longer hours, I know that they are going to be able to realize their dream of being a real part of the work team at their place of business. It is really a wonderful thing that we have done in this bill, to enable Americans simply to realize the opportunity of self-fulfillment that work offers.

But I also want to mention one other thing. How do we foster invention? Lots of times, we ask ourselves, how do we assure that there will be a strong economy for our children? In this bill is one of the keys. For the first time ever, we make the research and development tax credit in place and law for 5 years. Our goal is permanence, but we have never had 5 years. This will enable companies to plan and enable them to invest at a pace and at dimensions of dollars that we have never seen before. That drives new products. That drives state-of-the-art inventions. That drives economic leadership. And that drives good jobs, high-paying jobs, and a successful America.

I want to personally congratulate the gentleman from Texas for his dedication to the R&D tax credit that would be longstanding enough to foster the kind of growth and invention, support for an entrepreneurial economy that this R&D tax credit will achieve. I know that he would have preferred permanence as many of us would have. But this is a tremendous breakthrough. It is a real tribute to the gentleman from Texas and his dedication and to this Congress that we have extended the R&D tax credit for 5 years.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time. I guess I would like to focus on the dignity that this bill gives to many Americans who simply want a chance. I thank the ranking member. I thank the chairman of this committee. I could quarrel with the process in some of the extenders that we will also be including, but I want to respond with a focus on one of my constituents who saw me in the Heights, an area of my district in Houston, and spoke about her son. We were at a memorial giving tribute to those who had served in the military who lived in the Heights area. After the program, she came up and said, ''What is the progress, when will you pass the Work Incentives Improvement Act? My son wants to be independent. My son wants to get on his feet. My son who is disabled simply wants to have his day in the sun.''

And so this particular bill is of great relief to her and her family. It is a ticket to work and self-sufficiency program. And in fact over the years that I have been in Congress, I have enjoyed meeting with some of the physically and mentally disabled or challenged who have come to my office and have asked simply to be allowed to work and then not to lose their health benefits. That is their greatest crisis. In order for them not to be dependent, they need to have this kind of support system. I support this effort that would expand beneficiaries' access to public and private vocational rehabilitation providers and to employment service providers acting as employment networks under the program, and I support particularly the aspect of this bill that allows the disabled to go off and work and then, for example, if there is a problem, they still have the ability to come back within a 60-month period and get the benefits that they need without filing a new application. This is long overdue.

Mr. Speaker, I rise to support this important measure that both allows disabled persons to retain their federal health benefits after they return to work along and authorizes extensions for several tax provisions.

The conference report on H.R. 1180, Work Incentives Improvement Act is a true measure

of bipartisan efforts and includes a compromise version of the original House and Senate bills. This bill would establish the ''Ticket to Work and Self-sufficiency Program'' that would expand beneficiaries' access to public and private vocational rehabilitation providers and to employment service providers acting as employment networks under the Program.

This bill will allow disabled individuals to receive an expedited reinstatement of benefits if they lose their benefits due to work activity. Disabled individuals would have 60 months after their benefits were terminated during which to request a reinstatement of benefits without having to file a new application. It is imperative that we protect these disabled individuals, and this bill would provide provisional benefits for up to six months while the Social Security Administration determines these requests for reinstatement.

In addition to allowing disabled persons to retain their federal health benefits after they return to work, this bill also includes extensions of various tax provisions, many of which are scheduled to expire at the end of this year. The conference agreement provides approximately $15.8 billion in tax relief over five years ($18.4 billion over 10 years) by extending certain tax credits.

More specifically, this measure extends the Research and Development tax credit for five years (this credit would be expanded to include Puerto Rico and possessions of the United States), the Welfare-to-Work and Work Opportunity tax credits for 30 months, and the Generalized System of Preferences through September 30, 2001. Finally, the measure includes approximately $2.6 billion in revenue offsets over five years ($2.9 billion over 10 years).

This bill also delays the effective date of the organ procurement and transplantation network final rule. This rider provides people with more time to comment on the rule and for the Secretary to consider these comments. Our organ distribution system requires changes to create a more national system, to diminish the enormous waiting times, and to ensure that those people who are suffering the most receive help in time. The late, great Walter Payton's sorrowful death is just another sad reminder that far too many people in need of organs are trapped on waiting lists.

Finally, the bill requires the National Oceanic and Atmospheric Administration to continue existing contracts for its multi-year program for climate database modernization and utilization.

This measure clearly is important to the American people on many fronts. It is imperative that we pass this important piece of legislation. It is a sign that we are unified on both sides of the aisle, and it proves to the American public that we have put their needs above political posturing.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I rise today in strong support of H.R. 1180, the Work Incentives Improvement Act. I want to express my sincere appreciation to the gentleman from Texas (Mr. ARCHER) and to the gentleman from New York (Mr. RANGEL). We have heard much talk this evening about tax credits for R&D and the like and those are very important. But when I read this bill and I listen to the conversations, I hear freedom. I hear freedom for 5 million people who right now are confined or constrained because the law does not allow them to maintain their health benefits.

Mr. Speaker, if I could say one thing that just sends me home here soon with a light heart, it is that at the end of the 20th century as we did at the end of the 18th century, for over 5 million Americans this bill lets freedom ring. It lets them compete and participate. I applaud my colleagues.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATKINS), another respected member of the Committee on Ways and Means.

(Mr. WATKINS asked and was given permission to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, I rise in support of the Work Incentives Improvement Act of 1999. First and foremost I say to my committee chairman and ranking minority member that the provisions here on the extenders is one that is going to be of great assistance and help to be able to continue moving the economy forward. The R&D for 5 years is a great need for business and industries that do a lot of research.

I would like to bring out a couple of things that are not highlighted, but I have had a chance of working personally with a number of individuals concerning this. One, the conference agreement would provide a 2-year open season beginning January 1 for clergy to revoke their exemption from Social Security coverage. This is something that a lot of ministers, and I have been associated with a lot of them through the fact that my former father-in-law was a minister, he is deceased now, but it is something I know he was concerned about back years ago.

The other provision is even a little closer. My wife and I have had our home available, licensed for foster children over the years; and I have worked with a lot of foster children. In this bill we have had a simplification of the definition of foster child under the earned income credit program. It provides for the simplification. Under this particular provision, a foster child would be defined as a child who is cared for by the taxpayer as if he or she were the taxpayer's own child; two, has the same principal place of abode as the taxpayer for the taxpayer's entire taxable year; and, three, either is the taxpayer's brother, sister, stepbrother, stepsister or descendant, including an adopted child, of any such relative.

This is something that has been focused. I do not know if any of you have ever tried to work with a lot of the situation dealing with foster children, but it is a very cumbersome problem. This will help eliminate that.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), another respected member of the Committee on Ways and Means.

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, let me begin my comments by just again praising the leadership of our committee's chairman for his efforts in putting together this good package that we are voting on today, a package that deserves bipartisan support, as well as the good ranking member for his efforts in making this a bipartisan effort today.

Mr. Speaker, this is a big victory for a lot of folks back home. The disabled are big winners with the ticket to work provisions in this bill, legislation that helps the disabled enter the workforce and keep their health care benefits. I really want to commend the gentleman from Missouri (Mr. HULSHOF) for his hard work and efforts on this.

It is also a victory for the taxpayers. This Congress said no to the President's $238 billion in tax increases. This Congress said no to the President's plan to raid the Social Security Trust Fund by $340 billion. I do want to express my biggest disappointment for this year and that is when the President vetoed our efforts to help 28 million married working couples when the President vetoed our efforts to eliminate the marriage tax penalty.

This legislation is good legislation. It helps folks back home in Illinois. There are three provisions I would like to highlight. Of course, the 5-year extension of the research and development tax credit. That is so important in Illinois, a multiyear commitment to providing this incentive for research into cancer, research into biotechnology, to increase food productivity, to increase the opportunity to grow our new economy, particularly in high technology since Illinois ranks fourth in technology. I also would note that Puerto Rico is included with this extension of the R&D tax credit, extension of the work opportunity tax credit.

We want welfare reform to work. If we want welfare reform to work, of course we want to ensure that there is a job for those on welfare. The work opportunity tax credits help contribute to a 50 percent reduction in the welfare rolls in Illinois. We extend it for 2½ years.

Third and last, I want to note the brownfields tax incentive, a provision that many of us worked on to include in the 1997 budget act. This is successfully working. Of course we extend it. I would point out that the district I represent on the South Side of Chicago, that the former Republic Steel property, the largest brownfield in Illinois, the largest new industrial park in Illinois benefited from this brownfields tax incentive. This is good legislation, and it deserves bipartisan support.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time. I would like to take this time to thank the gentleman from Texas for the courtesies he has extended to me. While we

have had major policy differences, he has always been a gentleman, he has been fair, he has been honest, and above all he has been sincere. I want to thank Mr. Singleton and the entire majority staff as well as Janice Mays. We have probably one of the best staffs in the House and they have worked hard and they have worked with us.

While it is my opinion that we did not accomplish too much in this first year, I look forward to working with the gentleman side by side, hand in hand to see what we can do to restore confidence in the Social Security system, the Medicare system, and see what we can do about prescription drugs.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time. I thank the gentleman for his comments. We have much work to do next year, where we can work hopefully together on a strong bipartisan basis on Social Security, trade issues, and many other issues before our committee.

Mr. RANGEL. Mr. Speaker, I would like to clarify a provision relating to the rum cover over provision for Puerto Rico. The House-Senate conference agreement calls for an increase in the rum cover over for Puerto Rico from the current level of $10.50 to $13.25. It is my understanding that by an agreement between the Administration and the Governor of Puerto Rico, the Honorable Pedro Rossello, one-sixth of the $2.75 increase in the rum cover over to Puerto Rico will be dedicated to the Puerto Rico Conservation Trust, a private, nonprofit section 501(c)(3) organization operating in Puerto Rico. The Puerto Rico Conservation Trust was created for the protection of natural resources and environmental beauty of Puerto Rico and was established pursuant to a Memorandum of Understanding between the Department of the Interior and Commonwealth of Puerto Rico dated December 24, 1968.''

Mr. NEAL of Massachusetts. Mr. Speaker, I am going to vote for this legislation even though it is not paid for because added to the Ticket To Work program are important ''must pass'' tax provisions vital to all our constituents.

The most important provision in this bill is the extension of the current waiver of the alternative minimum tax rules affecting nonrefundable personal credits. Without enactment of this provision, next April approximately 1 million taxpayers will find they owe more money to the federal government than they thought, for an average ''stealth'' tax increase of about $900 each. Millions more will have to though the alternative minimum tax calculations, which can take 5 or 6 hours, just to find out they don't owe any more money.

In 1997 Congress approved new credits for children, and for education. We promised our constituents that the federal government would help them with these responsibilities. However, we subjected these credits to the alternative minimum tax. The result is that more and more middle income Americans will be forced into the AMA by our actions—and we will rightly get the blame.

So now we have to fix it. This bill does that for 3 years. But what we really need to do is to fix this problem permanently, because no middle income American should ever by subject to the alternative minimum tax calculation simply because they decided to send their kids to college.

Mr. Speaker, other members may focus their remarks regarding taxes on the research and development tax credit, or the Subpart F extension, or employer provided educational assistance. All important items. But not items that drive this bill—what is of paramount importance is the AMA fix, and I am pleased that we are finally taking steps to fix this for the immediate future.

Mr. STARK. Mr. Speaker, I rise with regret to oppose what is being called the ''Ticket to Work and Work Incentives Improvement Act Conference Report.'' This title would never pass the ''Truth in Labeling'' test if it were on a box of food, but you can get still away with such falsehoods here in Congress—especially in the waning hours of the session.

The reason for my regret is that I have worked much of the year to encourage passage of the Work Incentives Improvement Act here in the House. This legislation is vitally important for disabled individuals. Our current system—which actively discourages disabled people from returning to the workforce—simply makes no sense. Allowing disabled people to maintain their health insurance through Medicare when they return to work is something that should have always been law, not something we are finally doing today.

I support that component of this bill which we are here considering today. I am unhappy that it has been weakened from the version that originally passed the House. In that bill, we would have given disabled individuals the ability to keep their Medicare health insurance for 10 years, while the bill before us today only extends that coverage for 8½ years. But, there is no question that this would be a significant improvement from the status quo.

However, there is much more to this bill than the title would suggest. Through late night negotiations, this bill changed. In addition to the provisions relating to the Work Incentive Improvement Act, the bill includes two completely unrelated provisions. The first of these is a 90-day moratorium preventing the Secretary of Health and Human Services from implementing a regulation to improve our organ allocation program in the U.S. Also included is a package of tax extenders that is not fully paid for.

The moratorium on the organ allocation regulation is especially egregious. The regulation is a product of negotiations with the transplant community, patients, and the general public and ensures the sickest patients get organs first—instead of basing life and death decisions on geography.

Republicans included this same 90-day delay of the HHS organ allocation regulations in legislation earlier this year. The President vetoed that bill and cited the organ allocation moratorium as ''a highly objectionable provision.'' After that veto, Congressional budget negotiators and the White House agreed to permit the HHS organ allocation rule to go into effect after a 42-day consultation period. Yet only a few days later, they have decided to renege on that agreement.

Congress has already delayed the HHS rules for over a year—permitting the Institute of Medicine (IoM) to study the current system. The IoM report strongly validates the HHS regulations by calling for broader sharing of organs and for HHS to exercise its ''legitimate oversight responsibilities.'' Twelve patients die every day while awaiting an organ transplant under the current system. The fact of the matter is this moratorium is a pork barrel project for members of Congress who either represent the federal contractor, or small transplant centers with poorer outcomes who stand to lose under the new regulations. The Secretary's regulation will save lives. This moratorium will cause people to die. Which side do you think is right?

Just like every other bill the Republicans have tried to push through this Congress, the tax extender provisions in the bill give big tax breaks to big business. It includes tens of millions of rifle-shot give-aways to GE—certainly not one of the neediest taxpayers in this country. It also spends $13 billion to give corporations money for research. Most companies would conduct research on their own regardless of whether or not taxpayers foot the bill. Do you really think that corporations like Schering-Plough would have halted research for their highly profitable drug Claritin if Congress had denied a research tax credit? Companies must conduct research in order to create profits. They don't need tax incentives from Congress to make a profit.

In addition, this bill throws money to the wind through the highly unsuccessful windmill tax credit. There are windmills up and down the highways of California in hopes that they might produce effective forms of electricity. Once again, we're extending $3 billion in tax breaks to energy companies so that they can continue pouring money into a lofty goal. Coupled with this tax break is one that will provide tax incentives to energy companies who can produce energy from poultry droppings. Why stop at energy? We should give them tax incentives to produce gold from chicken droppings!

Because of these unrelated provisions that were snuck into an otherwise very worthy bill, I am forced to vote against this bill today.

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of H.R. 1180, the Work Incentives Improvement Act of 1999. As Chairman of the Committee on Science, I would like to highlight a provision of the bill that is particularly important to our nation's research base: the Research and Development Tax Credit (R&D tax credit).

H.R. 1180 includes the longest ever extension of the R&D tax credit. While I support a permanent extension of the R&D credit, this five-year extension is a step in the right direction. As federal discretionary spending for R&D is squeezed, incentives must be used to maximize private sector innovation and maintain our global leadership in high-tech, high-growth industries that help keep our economy the strongest in the world.

A long-term extension of the credit will aid the research community by creating incentives for private industry to fund research projects. Congress has extended the R&D Tax Credit repeatedly over a period of 18 years. The credit again lapsed on June 30th of this year. This five-year extension will put an end to the start-and-stop approach that has characterized this extension process.

A 1998 Coopers & Lybrand study found that U.S. companies would spend $41 billion more (in 1998 dollars) on R&D as a result of extending the credit. This in turn would lead to greater innovation from additional R&D investment and would begin to improve productivity

almost immediately, adding more than $13 billion a year to the economy's productive capacity by the year 2010. The Coopers & Lybrand report went on to note that the R&D tax credit would ultimately pay for itself. ''In the long run,'' the report states, ''$1.75 of additional tax revenue (on a present value basis) would be generated for each dollar the government spends on the credit, creating a win-win situation for both taxpayers and the government.''

Last year, the Science Committee released a National Science Policy Study entitled Unlocking Our Future: Toward A New National Science Policy. The Unlocking Our Future is the most comprehensive study of federal science policies ever conducted by Congress. And the full House passed a resolution adopting its recommendations. One of the study's primary recommendations was the permanent extension of the R&D tax credit. I am pleased that the House today is taking a concrete step toward enacting the study's recommendations.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of H.R. 1180, the conference report on the Ticket to Work and Work Incentives Improvement Act.

This bill will provide a true ''Ticket-to-Work'' for disabled individuals by bringing them back into the workforce while still providing them with a safety net of government services that are needed to help make the transition. It is an important first step toward addressing the disincentives which exist in current law that discourage disabled individuals from working.

According to a Washington Post article published earlier this year, 6.6 million working-age Americans receive disability checks from the Federal Government every month. All too often, these individuals are unable to return to the workforce. Among the barriers they face upon returning to work is they risk the loss of important federal benefits such as Medicare health care coverage. Under this legislation, individuals would be eligible for up to four and a half additional years of Medicare benefits. While I would have preferred to have individuals eligible for Medicare for an additional six years, I believe this is a positive step forward and that further steps should be taken in the future.

In addition, this bill provides a voucher that individuals can exchange for rehabilitation, employment or other necessary services with their provider of choice.

The Ticket to Work bill will change the Social Security Administration's disability programs for the better. As Tony Young of the United Cerebral Palsy Association said in his testimony before the Ways and means Committee in March, these programs, ''are transformed from a safety net into a trampoline; not only catching people with disabilities as they fall out of work, but also giving them a boost back into work as they are ready.''

I urge my colleagues to support this legislation, which is an important step toward helping individuals with disabilities be independent, and to become a vital part of the workforce.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 1180, the Work Incentives Improvement Act of 1999. I am a cosponsor of this important legislation and was proud to expeditiously move this proposal through my Subcommittee and support its passage through the House Commerce Committee.

My Subcommittee held a hearing at which we heard from federal, state and local officials, as well as individuals living with disabilities. All of the witnesses emphasized the need for this legislation. They noted that the current system unfairly forces people to choose between work and health care.

H.R. 1180 was introduced in March by our colleagues RICK LAZIO and HENRY WAXMAN, and this bill underscores the positive power of bipartisanship.

The bill removes barriers for individuals who want to work. By encouraging work over welfare, it also promotes personal dignity and self-sufficiency.

Two federal programs—Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI)—provide cash benefits to people with disabilities. By qualifying for these benefits, individuals are also eligible for health coverage through Medicare and Medicaid. These programs provide comprehensive services that people with disabilities value and need.

Ironically, individuals with disabilities risk losing these health protections if they enter the work force. Under current law, earnings above a minimal amount trigger the loss of both cash benefits and health coverage under Medicare and Medicaid.

H.R. 1180 would allow states to expand the Medicaid buy-in option to persons with disabilities through two optional programs. The bill also creates a trial program to extend Medicare Part A benefits to SSDI recipients. Further, it provides infrastructure and demonstration grants to assist the states in developing their capacity to run these expanded programs.

Finally, the bill creates a new payment system for vocational rehabilitation programs that serve individuals with disabilities. Similar provisions were passed by the House of representatives last year.

As I have emphasized before, H.R. 1180 will help people help themselves. Approval of this bill by the House of Representatives today is an important step in improving the quality of life for millions of Americans who live with disabilities.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of the conference report of H.R. 1180, the Work Incentives Improvement Act. This bill includes three separate bills, including the conference report for H.R. 1180, the tax extenders legislation, and a provision related to organ transplantation regulations. I strongly support all three of these proposals and urge my colleagues to support this bill.

I am pleased that the conference report for H.R. 1180 does not include certain provisions related to school-based health services. An earlier version of this bill, as approved by the House, included Section 407 to help offset the costs associated with this bill. Section 407 would be detrimental to our local schools districts who have worked to screen children for Medicaid eligibility. According to the U.S. Census Bureau there are 4.4 million children who are eligible for, but not enrolled in, Medicaid. Under existing laws, public schools can receive reimbursements through the Medicaid Administrative Claiming (MAC) program to help screen for these Medicaid eligible children. I learned about these provisions through the efforts of a local school district, the La Porte Independent School District (PISD). PISD is the lead district for a consortium of 200 small and rural Texas school districts participating in the MAC program. After learning about this provision, I also organized a letter to Speaker HASTERT in opposition to these offset provisions. I am pleased that the conference committee has removed all provisions related to school-based health programs that would have been harmful.

I support passage of this measure because it ensures that disabled persons can keep their health insurance when they return to work. Under current law, disabled persons who are eligible for Social Security disability benefits are precluded from earning significant income without losing their Medicare or Medicaid health insurance. This bill would permit disabled persons to work while maintaining their health insurance coverage. For many disabled persons, this health insurance is critically important since they can neither afford nor purchase health insurance in the open market. This bill would provide SSDI beneficiaries with Medicare coverage for eight and ½ years, instead of the current 4-year term. This legislation also provides vocational rehabilitative services to disabled persons, ensuring their access to the training they need to become more self-sufficient. As an original cosponsor of the underlying bill, I support all of these provisions.

This bill also includes a critically important provision related to organ transplantation policy. This bill would impose a 90-day moratorium on the proposed Department of Health and Human Services (HHS) regulations related to organ transplantation policy that would change the current allocation system from a regionally-based system to a national medical-need system. This provision also includes a requirement that HHS must reopen this proposal for public comment about this issue. I am very concerned about the impact of this proposed regulation on organ transplants done at the Texas Medical Center. The Texas Medical Center and the local organ procurement organization, LifeGift, have done an excellent job of encouraging organ donations in our area. The impact of this regulation would be to override the current system which was developed in consultation with our nation's premier transplantation physicians and practitioners. If this new regulation were implemented, many of these organs could possibly be transferred away from the local patients who need them. I am pleased that Congress has acted to provide itself with sufficient time to reauthorize the National Organ Transplant Act (NOTA). The House has already approved this bill, giving the Senate sufficient time to consider and approve a NOTA measure.

This is an important bill which we should approve and I would urge my colleagues to vote for this bill.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of the basic provisions of H.R. 1180, the Work Incentive Improvement Act. The core program contained in this bill is designed to provide support and health care assistance to severely disabled people who want to work despite the obstacles their disabilities present, indeed who are determined to work and become productive and contributing members of society.

These are people who need to keep their health care coverage through Medicaid and Medicare to enable them to stay in the work force. We owe them nothing less.

It is a testament to the compelling nature of their case that this bill has had such broad and bipartisan support in both the House and the Senate. The President has also been

strongly committed to seeing it enacted, from his call to the Congress to enact this program in his State of the Union message last January to the final negotiations to bring this bill here today. And I want to particularly note the contributions of RICK LAZIO, who I was pleased to join as the original sponsor of the bill, NANCY JOHNSON and BOB MATSUI from the Ways and Means Committee, and JOHN DINGELL and CHARLIE RANGEL who served on the conference committee.

We can all be proud of its enactment. I am especially pleased that the conference report increased the funds available to support demonstrations by States to provide health services to persons with potentially severe disabilities in order to keep their health from deteriorating and to allow them to continue to work. Surely, this is one of the most sensible and cost-effective things we can do.

But it is unfortunate that this exemplary piece of legislation has been used in the closing days of this session to pursue other agendas. The conference report includes a rider added to H.R. 1180 through stealth and political extortion which delays vital reforms of our national organ allocation system.

The one-year moratorium on the Department of Health and Human Service's Final Rule expired last month. Last week, the Administration and the appropriators, including Chairman YOUNG and Mr. OBEY, agreed to a final compromise 42-day comment period on the Final Rule's implementation.

But the defenders of UNOS and the status quo weren't satisfied. They twisted arms behind closed doors. They blocked passage of the Health Research and Quality Act of 1999 and the reauthorization of the Substance Abuse and Mental Health Administration. They blocked enactment of critical medical education payments for children's hospitals. And they subverted the authority of the committees of jurisdiction.

Now, the compromise is being abandoned by the Republican leadership. The commitments made to the Administration and to Members have been broken in bad faith.

And what's the result? The 42 days becomes 90 days.

Mr. Speaker, enough is enough.

There is no excuse for this action. The Final Rule is the result of years of deliberation. It embodies the consensus that organs should be shared more broadly to end unjust racial and geographical disparities.

Every day of delay is another day of unconscionable 200 to 300 percent disparities in transplant and survival rates across the country—disparities which the Final Rule addresses.

Every day delays action on the Institute of Medicine's recommendation ''that the Final Rule be implemented'' because broader sharing ''will result in more opportunities to transplant sicker patients without adversely affecting less sick patients.''

And every day condones a status quo of gross racial injustice and unjust, parochial self-interest.

Mr. Speaker, the status quo is slowly killing patients who deserve to live, but are deprived of that right by a system that stacks the odds against them. But in spite of this rider, in spite of the delay and the back-room politics, reforms will come. Therefore, I urge my colleagues to support the Final Rule and to oppose the organ allocation rider.

Mr. CRANE. Mr. Speaker, I rise in strong support of the tax relief provisions which have been attached to H.R. 1180.

This tax relief package renews several temporary tax relief provisions and addresses other time sensitive tax items.

For example, we give at least one million American families relief from an increase in their alternative minimum tax that would occur when they take advantage of the child tax credit, the dependent care tax credit, or other tax credits. In addition, we renew and extend the exclusion from income for employer-provided educational assistance.

For businesses, we are extending the very valuable research and experimentation (R&E) tax credit for five years while we extend the creditor to Puerto Rico and the other U.S. territories for the first time. The R&E credit will allow U.S. companies to continue to lead the world in innovative, cutting-edge technology.

In an effort to help get Americans off government assistance and into the workplace, we are extending the Work Opportunity Tax Credit and the Welfare-to-Work Tax Credit through the end of 2001.

One item that I was particularly grateful to have included in this package is an increase in the rum excise tax cover-over to Puerto Rico and the Virgin Islands from the current $10.50 per proof gallon to $13.25 per proof gallon. I was, however, disappointed that the provision did not include language to specifically state that a portion of Puerto Rico's increase is designated for the Conservation Trust Fund of Puerto Rico.

Instead, I understand that an agreement has been reached with the Governor of Puerto Rico to provide one-sixth of the increase to the Trust Fund during the time of the increase of the cover-over (July 1, 1999 through December 31, 2001). I appreciate the support of the Governor in this endeavor. The Conservation Trust Fund, which enjoys tremendous support from the people of Puerto Rico, plays an important role in the preservation of the natural resources of the island for the benefit of her future generations.

Mr. Speaker, I applaud the efforts of our Chairman, BILL ARCHER, in putting together this tax relief package and I urge my colleagues to support it.

Mr. PORTMAN. Mr. Speaker, I rise in support of the tax extender and Ticket to Work package. I commend the Chairman and my colleagues RICK LAZIO of New York and KENNY HULSHOF of Missouri for their leadership on this issue.

So many people with disabilities want to work, and technological as well as medical advances now make it possible for many of them to do so. Unfortunately, the current Social Security Disability program has an inherent number of obstacles and disincentives for people to leave the rolls and seek gainful employment because they will lose cash and critical Medicare benefits.

This proposal before us today is designed to eliminate those obstacles and allow beneficiaries to select from a wider choice of rehabilitation and support services. It also extends health benefits for disabled people returning to work, which has been one of the single biggest challenges for helping people to make this transition.

Specifically, it expands state options under the Medicaid program for workers with disabilities, and it extends Medicare coverage for SSDI beneficiaries.

Importantly, this bill not only will well serve the disabled, and also will save millions of Social Security dollars in the coming years. The key to this bill is that it will provide people with the opportunities and means they have asked us for to become productive members of society. This is a good and fiscally responsible bill.

I'd also like to express my support for the important package of tax extenders contained in this legislation. These extenders—like the R&D tax credit and others—are essential elements in our effort to maintain our strong economy.

I urge my colleagues to support this responsible package.

Mr. KLINK. Mr. Speaker, I rise today in opposition to the inclusion of the provision that stops the Department of Health and Human Services from improving the system of organ allocation in this country. The organ provision was only thrown into this bill at the last minute, and it has no place in this bill.

The current system for organ sharing is not fair and needs to be improved. Organ sharing is a matter of life and death. The problem is that every year people die unnecessarily because the current organ allocation system is broken. We can do better and I urge my colleagues not to let parochial interests get in the way of fixing the problem.

Whether or not you get the organ that will save your life should not depend on where you live. Organs do not and should not belong to any geographical or political entity. But, under the current system, depending on where the organ was harvested, it could be given to someone with years to live—while someone in the next town across the wrong border may die waiting for a transplant.

The most difficult organ to transplant is the liver. Pioneered at the University of Pittsburgh, upwards of 90% of all the liver transplant surgeons today were either trained at Pittsburgh or by doctors who were trained there. Yet facilities like Pittsburgh, Mt. Sinai, Cedars-Sinai, Stanford and other highly regarded transplant centers which take on the most difficult and riskiest transplant patients are struggling with the longest waiting times in the country.

While these centers are highly regarded, many of their patients do not come to them because of their reputations. The fact is that many of their patients only seek them out after having been turned down by their local transplant centers. There is strong evidence to suggest that many smaller transplant centers avoid the riskier transplants on the sicker patients because they are more difficult and would adversely impact their reputations should they not be successful.

This isn't right. Whether you live or die should not depend on where you live.

This debate is not about pitting big transplant centers against small ones, or about pitting one region against another. It is about making sure that the

gift of life goes to the person who needs it the most rather than someone who happens to have the good fortune to live in the right state, county or city. Its about helping at least 300 people each year to continue to live.

The fact is that the current system discriminates against people who live near the highly regarded centers with the longer waiting lists. It's not their fault that their local center is willing to take the harder and sicker patients when other centers avoid the sicker patients in favor of patients who may be still able to work, go to school, or even play golf while patients elsewhere are near death without any opportunity to receive that organ because they have the misfortune of being on the wrong side of the Pennsylvania—Ohio line.

All HHS wants to do is: (1) require UNOS to develop policies that would standardize its criteria for listing patients and for determining their medical status, and (2) ensure that medical urgency, not geography, is the main determinant for allocating organs.

HHS should be allowed to proceed. The longer we delay the more lives are at risk. In this day of modern air travel and communications there is no good reason for an organ to stop at the border. There is no good reason why if I passed away while attending the Superbowl in New Orleans that my liver should go to a golfer in Louisiana when I may have a loved one who is in desperate need of a transplant at home.

People are dying because they happen to live in the wrong zip code and because states do not want to share their organs. Nowhere else in society would we allow a monopoly like this to continue. We must put an end to this craziness. There is no room in this country for politics to affect who lives and dies. The patients who need the organs the most should get them. Period.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 418, nays 2, not voting 15, as follows:

[Roll No. 611]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Berry
Stark

NOT VOTING—15

Baker
Brady (TX)
Callahan
Capps
Conyers
Everett
Fletcher
Frank (MA)
McIntosh
Nethercutt
Radanovich
Serrano
Shuster
Wexler
Wilson

☐ 1903

Mr. BERRY changed his vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, due to a family illness I was unable to attend votes today. Had I been here I would have made the following votes:

Rollcall No. 598—''no''; 599—''yes''; 600—''yes''; 601—''yes''; 602—''yes''; 603—''no''; 604—''no''; 605—''no''; 606—''no''; 607—''yes''; 608—''no''; 609—''yes''; 610—''yes''; 611—''yes''.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 4, SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

Mr. WELLER. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 393) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 393

Resolved, That the bill of the Senate (S. 4) entitled the ''Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999'', in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United

States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore (Mr. PEASE). In the opinion of the Chair, the resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Illinois (Mr. WELLER) is recognized for 30 minutes.

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is necessary to return to the Senate the bill, S. 4, which contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives.

Section 202 of the bill authorizes members of the Armed Forces to participate in the Federal Thrift Savings Plan and permits them to contribute any part of a special or incentive pay that they might receive. However, it also effectively provides that the limitations of Internal Revenue Code section 415 will not apply to those extra contributions. Thus, the provision allows certain members of the uniformed services to avoid the negative tax consequences that would otherwise result in their extra contributions to the TSP. Accordingly, the provision is revenue affecting in a constitutional sense.

There are numerous precedents for this action I am requesting.

I want to emphasize that this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill. Proposed action today is procedural in nature, and it is necessary to preserve the prerogatives of the House to originate revenue measures, makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

This resolution is necessary to return to the Senate the bill S. 4, the ''Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999.'' S. 4 contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives.

S. 4 would provide a variety of benefits to members of the Armed Forces. I strongly support our Armed Forces and agree that we need to modernize our military and compensate our officers and enlisted personnel fairly. However, S. 4, as passed by the Senate, would not only increase the compensation of members of the Armed Forces. It would also modify the tax treatment of some of their compensation. This change in tax treatment causes S. 4 to violate the Origination Clause of the United States Constitution.

Section 202 of the bill generally authorizes members of the Armed Forces to participate in the Federal Thrift Savings Plan. In particular, section 202 of the bill adds a new section 8440e to Title 5 of the United States Code. New section 8440e generally permits members of the uniformed services or Ready Reserve who are authorized to participate in the Thrift Savings Plan to contribute up to 5 percent of their basic pay to the Thrift Savings Plan. In addition, subsection (d) of new section 8440e permits members of the uniformed services to contribute to the Thrift Savings Plan any part of their special or incentive pay they receive under section 308, 308a through 308h, or 318 of title 37. The subsection further provides in effect that the limitations of Internal Revenue Code section 415 will not apply to such contribution. Code section 415 generally provides limitations on benefits and contributions under qualified employee benefit plans.

Thus, the effect of subsection (d) of new section 8440e is to override the limits on the Thrift Savings Plan contribution imposed by Internal Revenue Code section 415. By overriding Code section 415, the provision allows certain members of the uniformed services to avoid the negative tax consequences that would result from such contributions. Accordingly, the provision is revenue-affecting in a constitutional senses.

Plainly, allowing members of the Armed Forces to participate in the Thrift Savings Plan causes a reduction in revenues as a budget scorekeeping matter, since contributions to the Thrift Savings Plan reduce the taxable incomes of participants by operation of the existing tax laws, and therefore their tax liabilities. However, the reduction in Federal revenues is viewed as an indirect effect of the provision since the provision does not attempt to specify or modify the tax rules that would otherwise apply to the provision, and therefore does not offend the constitutional requirement. Rather, new subsection (d) offends the Origination Clause because it directly amends the internal revenue laws. Subsection (d) overrides the limitations imposed by Code section 415, thereby directly modifying the tax liability of individuals who would otherwise be subject to its limits. Such a provision is plainly revenue-affecting and therefore constitutes a revenue measure in the constitutional sense. Accordingly, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on July 21, 1994, the House returned to the Senate S. 1030, containing a provision exempting certain veteran payments from taxation. On October 7, 1994, the House returned to the Senate S. 1216, containing provisions exempting certain settlement income from taxation. On September 27, 1996, the House returned to the Senate S. 1311, containing a provision that overrode the Federal income tax rules governing recognition of tax-exempt status.

I want to emphasize that this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill. The proposed action today is procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue measures. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. WELLER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, the bill of which the gentleman speaks, has that been previously passed here in the House?

Mr. WELLER. Yes, Mr. Speaker.

Mr. SKELTON. And the purpose of this is to comply with the Constitution to state that it originates in the House; is that correct?

Mr. WELLER. Yes. This resolution does not address the merits of the legislation, which many Members on both sides of the aisle support. What it does is preserve the prerogatives of the House revenue-affecting measures originating in the House under the Constitution.

Mr. SKELTON. Mr. Speaker, I thank the gentleman.

Mr. WELLER. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to consider and pass House Joint Resolution 84, making further continuing appropriations for fiscal year 2000.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, I think the House needs to understand exactly what it is we are doing, and I yield to the gentleman for the purpose of explaining what is happening again.

Mr. YOUNG of Florida. Mr. Speaker, I thank my friend for yielding.

Earlier this afternoon, we passed a continuing resolution taking us to December 2, 1999. Our colleagues in the Senate have asked that we extend that by one day, mainly because they need a clean vehicle over there, and that is exactly what this is, it extends continuing spending authority from December 2 to December 3, and it gives our colleagues in the Senate a clean vehicle that they need to conduct their business.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I would simply note two things and then ask a question.

When we were debating how dairy would be handled, we were told that it had to be on the budget because we did not have any other vehicles. Now, in the space of about 15 minutes, the House has created two additional vehicles. I am beginning to think that we are making the keystone cops look like Barishnikov.

Mr. Speaker, I do not understand what the magic difference is between December 2 and December 3. Perhaps we could reach a compromise on December 2½. I do not know what is going on.

I mean, I have heard of continuing resolutions for a year, an hour, but not

10 minutes, which is what it has been since we passed the last one. How many more are we going to have to pass before we get our act together tonight?

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield further, my response to his question is rather simple. I have been advised that if we do not provide an extra vehicle for the Senate, it may be necessary for the House to either stay in session or reconvene tomorrow or the next day in order to complete legislative business. I am also advised that if they have a clean vehicle, it is very likely that we would not have to be back here sitting as the House.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I would say I thought that is what we were told a few minutes ago, that we needed to pass the last one so we would not be in session.

I hope that sooner or later, we get things right.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield further, I would like to say to my friend and my colleague with whom we have worked so well together throughout this year that in my opinion, we have done things right here; and I cannot answer for any other venue.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I do not quarrel with that statement with respect to the committee, but I do think that this process, I have to say, has been the most chaotic that I have seen in the 31 years that I have been privileged to be a Member of this body. I do not think what is happening is the fault of the gentleman from Florida, it certainly is not mine, but I would hope that when we return in the first of the year in the next millennium, we will have a different set of arrangements that will enable us to do things in a quite different fashion.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 84

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–62 is further amended by striking ''November 18, 1999'' in section 106(c) and inserting in lieu thereof ''December 3, 1999'', and by striking ''$346,483,754'' in section 119 and inserting in lieu thereof ''$755,719,054''. Public Law 106–46 is amended by striking ''November 18, 1999'' and inserting in lieu thereof ''December 3, 1999''.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 1232, FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTIONS ACT

Mr. WELLER. Mr. Speaker, I rise to a question of privileges of the House, and I offer a privileged resolution (H. Res. 394) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 394

Resolved, That the bill of the Senate (S. 1232) entitled the ''Federal Erroneous Retirement Coverage Corrections Act'', in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. In the opinion of the Chair, the resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Illinois (Mr. WELLER) is recognized for 30 minutes.

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is necessary to return to the Senate the bill S. 1232 which contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. Section 401 of the bill provides that no Federal retirement plan involved in the corrections under the bill shall fail to be treated as a tax-qualified retirement plan by reason of the correction.

□ 1915

The bill also provides that no amount shall be includable in the income of any individual for Federal tax purposes because of fund transfers or government contributions made pursuant to the bill.

Accordingly, section 401 is revenue affecting in a constitutional sense and the bill therefore violates the origination requirement.

There are numerous precedents for the action I am requesting. I want to emphasize this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill.

The proposed action today is procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue measures. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill, for the Senate to accept it or amend it as it sees fit.

This resolution is necessary to return to the Senate the bill S. 1232, which contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. The bill provides that no Federal retirement plan involved in the corrections under the bill shall fail to be treated as a tax-qualified retirement plan by reason of the correction. The bill also provides that no amounts shall be includible in the income of any individual for Federal tax purposes because of fund transfers or government contributions made pursuant to the bill. Therefore, the bill violates the origination requirement.

Section 401 of the bill provides generally that no government retirement plan shall fail to be treated as a tax-qualified plan under the Internal Revenue Code for any failure to follow plan terms, or any actions taken under the bill to correct errors in misclassification of Federal employees into the wrong Federal retirement system. In general, Federal retirement plans are subject to the same rules that apply to tax-qualified retirement plans maintained by private sector employers. For example, tax-qualified retirement plans are afforded special tax treatment under the Code. These advantages include the fact that plan participants pay no current income tax on amounts contributed on their behalf, and the fact that earnings of the plan are tax-exempt.

Because of Section 401 of the bill, Federal retirement plans and participants in those plans would retain these advantages even if actions are taken pursuant to the bill that would otherwise jeopardize this favorable tax treatment.

The Federal retirement plans are also subject to the rules applicable to tax-qualified plans that limit the amount of contributions and benefits that may be provided to a participant under a tax-qualified plan. For example, section 415 of the Code limits that amount of annual contributions that may be made to a defined contribution plan, and the amount of annual benefits that are payable from a defined benefit plan. If amounts are contributed or benefits are paid that exceed these limits, plan participants could be subject to unfavorable tax consequences. Section 401 of the bill would permit the Federal government to make-up contributions on behalf of an employee without violating applicable limits on contributions and benefits for the year in which the make-up contribution was made.

Section 401 also provides that no amounts shall be includible in the taxable income of participants in Federal retirement plans because of fund transfers or government contributions made pursuant to the bill. Without this provision, amounts transferred from fund to fund or otherwise contributed by the government could be subject to income tax under the Internal Revenue Code.

Accordingly, Section 401 is revenue-affecting in a constitutional sense.

There are numerous precedents for the action I am requesting. For example, on July 21, 1994, the House returned to the Senate S. 1030, containing a provision exempting certain veteran payments from taxation. On October 7, 1994, the House returned to the Senate S. 1216, containing provisions exempting certain settlement income from taxation.

I want to emphasize that this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill. The proposed action today is procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue measures. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, let me begin by just saying to the Members it is my privilege to say we have had the last vote of the day, the last vote of the week, the last vote of the year, the last vote of the century.

PROVIDING FOR ADJOURNMENT SINE DIE AFTER COMPLETION OF BUSINESS OF FIRST SESSION OF 106TH CONGRESS AND SETTING FORTH SCHEDULE FOR CERTAIN DATES DURING JANUARY 2000 OF SECOND SESSION

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H.Con Res. 235), and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read as follows:

That when the House adjourns on any legislative day from Thursday, November 18, 1999, through Monday, November 22, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Thursday, December 2, 1999 (unless it sooner has received a message from the Senate transmitting its concurrence in the conference report to accompany H.R. 3194, in which case the House shall stand adjourned sine die), or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns on any day from Thursday, November 18, 1999, through Thursday, December 2, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House convenes for the second session of the One Hundred Sixth Congress, it shall conduct no organizational or legislative business on that day and, when the House adjourns on that day, it shall stand adjourned until noon on January 27, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 4. The Congress declares that clause 2(h) of rule II of the Rules of the House of Representatives and the order of the Senate of January 6, 1999, authorize for the duration of the One Hundred Sixth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively, to receive messages from the President during periods when the House and Senate are not in session, and thereby preserve until adjournment sine die of the final regular session of the One Hundred Sixth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

SEC. 5. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTING DAY FOR THE CONVENING OF THE SECOND SESSION OF THE 106TH CONGRESS

Mr. ARMEY. Mr. Speaker, I offer a joint resolution (H.J. Res. 85), and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read as follows:

H.J. RES. 85

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAY FOR CONVENING OF SECOND SESSION OF ONE HUNDRED SIXTH CONGRESS.

The second regular session of the One Hundred Sixth Congress shall begin on Monday, January 24, 2000.

SEC. 2. ADDITIONAL SESSION PRIOR TO CONVENING.

If the Speaker of the House of Representatives and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, determine that it is in the public interest for the Members of the House of Representatives and the Senate to reassemble prior to the convening of the second regular session of the One Hundred Sixth Congress as provided in section 1—

(1) the Speaker and Majority Leader shall so notify their respective Members; and

(2) Congress shall reassemble at noon on the second day after the Members are so notified.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 395), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 395

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 395, the Chair appoints the following Members of the House to the committee to notify the President, the gentleman from Texas (Mr. ARMEY), and the gentleman from Missouri (Mr. GEPHARDT).

PERSONAL EXPLANATION

Mr. LAMPSON. Mr. Speaker, on November 17, 1999, on rollcall votes 596 and 597, I am recorded as not voting. I am happy to announce that I was present at the birth of my first grandchild, Nicholas William Shanning. Had I been present for votes, I would have voted ''aye'' on rollcall 596 and ''no'' on rollcall vote 597.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND AND REVISE REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the first session by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the first session sine die.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS, APPOINT COMMISSIONS, BOARDS AND COMMITTEES NOTWITHSTANDING SINE DIE ADJOURNMENT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that until the day the House convenes for the second session of the 106th Congress, and notwithstanding any adjournment of the House, the Speaker, the majority leader, and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT AND WATER SUPPLY ENHANCEMENT ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 438) to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, if the gentleman would take a moment to explain the bill.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, last month the House passed H.R. 795, the Rocky Boy's Water Rights Settlement Act. Today we have before us S. 438, a companion bill to H.R. 795. The only difference between these bills is a small change regarding the treatment of tribal water rights off reservation. This change has been agreed upon by all parties involved in the legislation. The Rocky Boy's Water Rights Settlement Act process has been important for a number of reasons. I congratulate the gentleman from Montana (Mr. Hill). In the State of Montana, the tribe has spent a good deal of time working on the issues in a constructive fashion, taking steps to minimize the impact on other affected water users.

Furthermore, there has been minimal emphasis on some of the outmoded basis that calculate in Federal reserve Indian water right claims. This process has allowed the parties to look to newer, more flexible negotiations that find the solutions which provide tribes with real opportunities without making demands that may destroy the economic livelihood of existing water users.

In addition, this process has brought new solutions, introduced private sector expertise into the tribe's efforts to utilize the water supplies once the settlement is authorized.

By approaching these water rights settlements in more creative ways, Congress and the Federal Government can narrow the divergent expectations of the parties as they enter negotiations and attempt to correct problems that have existed for decades. It is important for Congress to modernize the process and basis for settling these claims. It is taking far too long to arrive at a settlement. Often tribes receive water and money under circumstances that do not ultimately help them realize the benefits of a broader economy.

It is the intention of this settlement to help the tribe reach this goal of self-determination, and I urge my colleagues to support the legislation.

Mr. SAXTON. Mr. Speaker, last month, the House passed H.R. 795, the Rocky Boys Water Rights Settlement Act. Today we have before us S. 438, a companion bill to H.R. 795. The only difference between these two bills is a small change regarding the treatment of tribal water rights off reservation. This change has been agreed upon by all the parties involved in the legislation.

The Rocky Boys water right settlement process has been important for a number of reasons. Congressman HILL, the State of Montana and the Tribe have spent a good deal of time working through the issues in a constructive fashion, taking steps to minimize the impact on other affected water users.

Furthermore, there has been minimal emphasis on some of the outmoded bases for calculating Federal reserved Indian water right claims. This process has allowed the parties to look to newer, more flexible negotiations that find solutions which provide tribes with real opportunities without making demands that may destroy the economic livelihood of existing water users. Additionally, this process has brought new solutions and introduced private sector expertise into the tribes efforts to utilize these water supplies once the settlement is authorized.

By approaching these Indian water right settlements in more creative ways, Congress and the Federal Government can narrow the divergent expectations of the parties as they enter negotiations and attempt to correct problems that have existed for decades. It is important for Congress to modernize the process and bases for settling these claims. It is taking far too long to arrive at a settlement. Often tribes receive water and money under circumstances that do not ultimately help them realize the benefits of the broader economy. It is the intention that this settlement will help the tribe reach their goal of self-determination.

I urge my colleagues to support the legislation.

Mr. HILL of Montana. Mr. Speaker, I rise in strong support of S. 438, the Chippewa Cree Tribe Water Rights Settlement Act, introduced by Senator CONRAD BURNS.

I am the sponsor of the House companion to this bill which passed the House on October 18th. I thank Subcommittee Chairman JOHN DOOLITTLE and his staff Bob Faber and Josh Johnson for their tireless efforts to work with all parties involved to move this important piece of legislation.

This is truly a historic day. This bill is the culmination of many years of technical and legal work and many years of negotiations involving the Chippewa Cree Tribe, the State of Montana, and representatives of the United States Departments of the Interior and Justice.

The bill will ratify a settlement quantifying the water rights of the Tribe and providing for their development in a manner that will help the Chippewa Cree Nation while helping their neighbors, local communities, farmers and ranchers.

It provides Federal funds construction of water supply facilities and for Tribal economic development, and defines the Federal Government's role in implementing the settlement.

This Settlement bill has the full support of the Tribe, the State of Montana, the Department of Justice and the Department of the Interior, the Administration, and the water users who farm and ranch on streams shared with the Reservation.

The bill will effectuate a settlement that is a textbook example of how State, Tribal, and Federal governments can work together to resolve differences in a way that meets the concerns of all.

It is also a settlement that reflects the effectiveness of Tribal and non-Tribal water users in working together in good will and good faith with respect for each other's needs and concerns.

It is not an overstatement to say that the Chippewa Cree Tribe of the Rocky Boys Reservation Indian Reserved Water Rights Settlement Act is a historic agreement. This is truly a great occasion for all of those who have worked so hard to get us to this point.

I again want to thank Chairman DOOLITTLE, Chairman YOUNG, and the House leadership for scheduling this bill today. I also want to thank Congressman KILDEE for his cosponsorship and help in moving this bill forward.

I urge the adoption of S. 438.

Mr. KILDEE. Mr. Speaker, I am pleased that the House will today consider S. 438, a bill that would implement the settlement of the water rights of the Chippewa Cree Tribe of Montana. I am a cosponsor of a similar bill passed by the House earlier this year. This bill marks the 16th Indian water settlement presented to Congress in 10 years. I recall a time when in the late 1980s and early 1990s Congress regularly sanctioned and implemented state/tribal water agreements. I am encouraged by the resolution (No. 98–029) from the National Governors' Association endorsing the policy of negotiating Indian water rights settlements.

During a recent hearing before the Water and Power Subcommittee, Representative RICK HILL, sponsor of the bill, described this settlement as a textbook example of how state and tribal governments can work together with off-reservation local ranchers and farmers to resolve their differences. I concur with that characterization of this bill. I want to commend the state of Montana and the Tribe for working almost 15 years to reach an agreement. It is my understanding that the parties went sub-basin by sub-basin and even farm by farm until they had resolved the concerns of all affected parties. I also want to commend the Interior and Justice Departments—particularly Interior's Acting Deputy Secretary, David Hayes—for the role he and his colleagues played in reaching this accord.

One of the things I have learned over the years is that we must defer to the wishes of the states and tribes that bring these settlements to us. We all will have a tendency to want to micro-manage legislation of this nature and contend that it is precedential one way or another way, but history has proved that that is really not the case. A settlement in Montana may have little to do with the status of negotiations in New Mexico. While instream flows for fishery habitat may be vital to a tribe in the Pacific Northwest, it may have little application in Arizona. I say this because I have heard that certain members of the Senate who are not from Montana are examining this bill to determine if it is consistent with the laws of their state. Mr. Speaker, if a negotiated settlement in a given state had to be consistent with the laws and policies of every one of the other 49 states, or even just the western states, we would never have another Indian water rights

settlement. So again, I hope we can agree that the individual States, Tribes and the Federal government must be given great deference in negotiating settlements that are consistent with the laws and policies of the given State and Tribe and which do not violate federal law.

Finally, I say to my colleagues that we and the Administration must follow up and ensure that funds are made available to implement the Chippewa Cree/Montana settlement. We must do so in a manner that does not take funds away from basic ongoing tribal programs. We must reexamine the idea of creating a permanent settlement fund for these types of State/Tribal agreements that is comparable to the Justice Department's settlement fund and which is not scored against the BIA's allocations. Again, my congratulations to the Chippewa Cree Tribe of the Rocky Boy's Reservation, to the state of Montana and to the members of the Federal Negotiating Team that helped bring this to fruition.

Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 438

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 ''Chippewa Cree Tribe of The Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in fulfillment of its trust responsibility to Indian tribes and to promote tribal sovereignty and economic self-sufficiency, it is the policy of the United States to settle the water rights claims of the tribes without lengthy and costly litigation;

(2) the Rocky Boy's Reservation was established as a homeland for the Chippewa Cree Tribe;

(3) adequate water for the Chippewa Cree Tribe of the Rocky Boy's Reservation is important to a permanent, sustainable, and sovereign homeland for the Tribe and its members;

(4) the sovereignty of the Chippewa Cree Tribe and the economy of the Reservation depend on the development of the water resources of the Reservation;

(5) the planning, design, and construction of the facilities needed to utilize water supplies effectively are necessary to the development of a viable Reservation economy and to implementation of the Chippewa Cree-Montana Water Rights Compact;

(6) the Rocky Boy's Reservation is located in a water-short area of Montana and it is appropriate that the Act provide funding for the development of additional water supplies, including domestic water, to meet the needs of the Chippewa Cree Tribe;

(7) proceedings to determine the full extent of the water rights of the Chippewa Cree Tribe are currently pending before the Montana Water Court as a part of In the Matter of the Adjudication of All Rights to the Use of Water, Both Surface and Underground, within the State of Montana;

(8) recognizing that final resolution of the general stream adjudication will take many years and entail great expense to all parties, prolong uncertainty as to the availability of water supplies, and seriously impair the long-term economic planning and development of all parties, the Chippewa Cree Tribe and the State of Montana entered into the Compact on April 14, 1997; and

(9) the allocation of water resources from the Tiber Reservoir to the Chippewa Cree Tribe under this Act is uniquely suited to the geographic, social, and economic characteristics of the area and situation involved.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To achieve a fair, equitable, and final settlement of all claims to water rights in the State of Montana for—

(A) the Chippewa Cree Tribe; and

(B) the United States for the benefit of the Chippewa Cree Tribe.

(2) To approve, ratify, and confirm, as modified in this Act, the Chippewa Cree-Montana Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, and to provide funding and other authorization necessary for the implementation of the Compact.

(3) To authorize the Secretary of the Interior to execute and implement the Compact referred to in paragraph (2) and to take such other actions as are necessary to implement the Compact in a manner consistent with this Act.

(4) To authorize Federal feasibility studies designed to identify and analyze potential mechanisms to enhance, through conservation or otherwise, water supplies in North Central Montana, including mechanisms to import domestic water supplies for the future growth of the Rocky Boy's Indian Reservation.

(5) To authorize certain projects on the Rocky Boy's Indian Reservation, Montana, in order to implement the Compact.

(6) To authorize certain modifications to the purposes and operation of the Bureau of Reclamation's Tiber Dam and Lake Elwell on the Marias River in Montana in order to provide the Tribe with an allocation of water from Tiber Reservoir.

(7) To authorize the appropriation of funds necessary for the implementation of the Compact.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACT.—The term ''Act'' means the ''Chippewa Cree Tribe of The Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999''.

(2) COMPACT.—The term ''Compact'' means the water rights compact between the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana contained in section 85–20–601 of the Montana Code Annotated (1997).

(3) FINAL.—The term ''final'' with reference to approval of the decree in section 101(b) means completion of any direct appeal to the Montana Supreme Court of a final decree by the Water Court pursuant to section 85–2–235 of the Montana Code Annotated (1997), or to the Federal Court of Appeals, including the expiration of the time in which a petition for certiorari may be filed in the United States Supreme Court, denial of such a petition, or the issuance of the Supreme Court's mandate, whichever occurs last.

(4) FUND.—The term ''Fund'' means the Chippewa Cree Indian Reserved Water Rights Settlement Fund established under section 104.

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 101(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

(6) MR&I FEASIBILITY STUDY.—The term ''MR&I feasibility study'' means a municipal, rural, and industrial, domestic, and incidental drought relief feasibility study described in section 202.

(7) MISSOURI RIVER SYSTEM.—The term ''Missouri River System'' means the mainstem of the Missouri River and its tributaries, including the Marias River.

(8) RECLAMATION LAW.—The term ''Reclamation Law'' has the meaning given the term ''reclamation law'' in section 4 of the Act of December 5, 1924 (43 Stat. 701, chapter 4; 43 U.S.C. 371).

(9) ROCKY BOY'S RESERVATION; RESERVATION.—The term ''Rocky Boy's Reservation'' or ''Reservation'' means the Rocky Boy's Reservation of the Chippewa Cree Tribe in Montana.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, or his or her duly authorized representative.

(11) TOWE PONDS.—The term ''Towe Ponds'' means the reservoir or reservoirs referred to as ''Stoneman Reservoir'' in the Compact.

(12) TRIBAL COMPACT ADMINISTRATION.—The term ''Tribal Compact Administration'' means the activities assumed by the Tribe for implementation of the Compact as set forth in Article IV of the Compact.

(13) TRIBAL WATER CODE.—The term ''tribal water code'' means a water code adopted by the Tribe, as provided in the Compact.

(14) TRIBAL WATER RIGHT.—

(A) IN GENERAL.—The term ''Tribal Water Right'' means the water right set forth in section 85–20–601 of the Montana Code Annotated (1997) and includes the water allocation set forth in Title II of this Act.

(B) RULE OF CONSTRUCTION.—The definition of the term ''Tribal Water Right'' under this paragraph and the treatment of that right under this Act shall not be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future compacts between the United States and the State of Montana or any other State.

(15) TRIBE.—The term ''Tribe'' means the Chippewa Cree Tribe of the Rocky Boy's Reservation and all officers, agents, and departments thereof.

(16) WATER DEVELOPMENT.—The term ''water development'' includes all activities that involve the use of water or modification of water courses or water bodies in any way.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) NONEXERCISE OF TRIBE'S RIGHTS.—Pursuant to Tribal Resolution No. 40–98, and in exchange for benefits under this Act, the Tribe shall not exercise the rights set forth in Article VII.A.3 of the Compact, except that in the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), the Tribe shall have the right to exercise the rights set forth in Article VII.A.3 of the Compact.

(b) WAIVER OF SOVEREIGN IMMUNITY.—Except to the extent provided in subsections (a), (b), and (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this Act may be construed to waive the sovereign immunity of the United States.

(c) TRIBAL RELEASE OF CLAIMS AGAINST THE UNITED STATES.—

(1) IN GENERAL.—Pursuant to Tribal Resolution No. 40–98, and in exchange for benefits under this Act, the Tribe shall, on the date of enactment of this Act, execute a waiver and release of the claims described in paragraph (2) against the United States, the validity of which are not recognized by the United States, except that—

(A) the waiver and release of claims shall not become effective until the appropriation of the funds authorized in section 105, the water allocation in section 201, and the appropriation of funds for the MR&I feasibility

study authorized in section 204 have been completed and the decree has become final in accordance with the requirements of section 101(b); and

(B) in the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), the waiver and release of claims shall become null and void.

(2) CLAIMS DESCRIBED.—The claims referred to in paragraph (1) are as follows:

(A) Any and all claims to water rights (including water rights in surface water, ground water, and effluent), claims for injuries to water rights, claims for loss or deprivation of use of water rights, and claims for failure to acquire or develop water rights for lands of the Tribe from time immemorial to the date of ratification of the Compact by Congress.

(B) Any and all claims arising out of the negotiation of the Compact and the settlement authorized by this Act.

(3) SETOFFS.—In the event the waiver and release do not become effective as set forth in paragraph (1)—

(A) the United States shall be entitled to setoff against any claim for damages asserted by the Tribe against the United States, any funds transferred to the Tribe pursuant to section 104, and any interest accrued thereon up to the date of setoff; and

(B) the United States shall retain any other claims or defenses not waived in this Act or in the Compact as modified by this Act.

(d) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this Act shall be construed to quantify or otherwise adversely affect the land and water rights, or claims or entitlements to land or water of an Indian tribe other than the Chippewa Cree Tribe.

(e) ENVIRONMENTAL COMPLIANCE.—In implementing the Compact, the Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental Acts and regulations.

(f) EXECUTION OF COMPACT.—The execution of the Compact by the Secretary as provided for in this Act shall not constitute a major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary is directed to carry out all necessary environmental compliance required by Federal law in implementing the Compact.

(g) CONGRESSIONAL INTENT.—Nothing in this Act shall be construed to prohibit the Tribe from seeking additional authorization or appropriation of funds for tribal programs or purposes.

(h) ACT NOT PRECEDENTIAL.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future water settlement Acts.

TITLE I—CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT

SEC. 101. RATIFICATION OF COMPACT AND ENTRY OF DECREE.

(a) WATER RIGHTS COMPACT APPROVED.—Except as modified by this Act, and to the extent the Compact does not conflict with this Act—

(1) the Compact, entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, is hereby approved, ratified, and confirmed; and

(2) the Secretary shall—

(A) execute and implement the Compact together with any amendments agreed to by the parties or necessary to bring the Compact into conformity with this Act; and

(B) take such other actions as are necessary to implement the Compact.

(b) APPROVAL OF DECREE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the United States, the Tribe, or the State of Montana shall petition the Montana Water Court, individually or jointly, to enter and approve the decree agreed to by the United States, the Tribe, and the State of Montana attached as Appendix 1 to the Compact, or any amended version thereof agreed to by the United States, the Tribe, and the State of Montana.

(2) RESORT TO THE FEDERAL DISTRICT COURT.—Under the circumstances set forth in Article VII.B.4 of the Compact, 1 or more parties may file an appropriate motion (as provided in that article) in the United States district court of appropriate jurisdiction.

(3) EFFECT OF FAILURE OF APPROVAL TO BECOME FINAL.—In the event the approval by the appropriate court, including any direct appeal, does not become final within 3 years after the filing of the decree, or the decree is approved but is subsequently set aside by the appropriate court—

(A) the approval, ratification, and confirmation of the Compact by the United States shall be null and void; and

(B) except as provided in subsections (a) and (c)(3) of section 5 and section 105(e)(1), this Act shall be of no further force and effect.

SEC. 102. USE AND TRANSFER OF THE TRIBAL WATER RIGHT.

(a) ADMINISTRATION AND ENFORCEMENT.—As provided in the Compact, until the adoption and approval of a tribal water code by the Tribe, the Secretary shall administer and enforce the Tribal Water Right.

(b) TRIBAL MEMBER ENTITLEMENT.—

(1) IN GENERAL.—Any entitlement to Federal Indian reserved water of any tribal member shall be satisfied solely from the water secured to the Tribe by the Compact and shall be governed by the terms and conditions of the Compact.

(2) ADMINISTRATION.—An entitlement described in paragraph (1) shall be administered by the Tribe pursuant to a tribal water code developed and adopted pursuant to Article IV.A.2 of the Compact, or by the Secretary pending the adoption and approval of the tribal water code.

(c) TEMPORARY TRANSFER OF TRIBAL WATER RIGHT.—The Tribe may, with the approval of the Secretary and the approval of the State of Montana pursuant to Article IV.A.4 of the Compact, transfer any portion of the Tribal water right for use off the Reservation by service contract, lease, exchange, or other agreement. No service contract, lease, exchange, or other agreement entered into under this subsection may permanently alienate any portion of the Tribal water right. The enactment of this subsection shall constitute a plenary exercise of the powers set forth in Article I, section 8(3) of the United States Constitution and is statutory law of the United States within the meaning of Article IV.A.4.b.(3) of the Compact.

SEC. 103. ON-RESERVATION WATER RESOURCES DEVELOPMENT.

(a) WATER DEVELOPMENT PROJECTS.—The Secretary, acting through the Bureau of Reclamation, is authorized and directed to plan, design, and construct, or to provide, pursuant to subsection (b), for the planning, design, and construction of the following water development projects on the Rocky Boy's Reservation:

(1) Bonneau Dam and Reservoir Enlargement.

(2) East Fork of Beaver Creek Dam Repair and Enlargement.

(3) Brown's Dam Enlargement.

(4) Towe Ponds' Enlargement.

(5) Such other water development projects as the Tribe shall from time to time consider appropriate.

(b) IMPLEMENTATION AGREEMENT.—The Secretary, at the request of the Tribe, shall enter into an agreement, or, if appropriate, renegotiate an existing agreement, with the Tribe to implement the provisions of this Act through the Tribe's annual funding agreement entered into under the self-governance program under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) by which the Tribe shall plan, design, and construct any or all of the projects authorized by this section.

(c) BUREAU OF RECLAMATION PROJECT ADMINISTRATION.—

(1) IN GENERAL.—Congress finds that the Secretary, through the Bureau of Reclamation, has entered into an agreement with the Tribe, pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.)—

(A) defining and limiting the role of the Bureau of Reclamation in its administration of the projects authorized in subsection (a);

(B) establishing the standards upon which the projects will be constructed; and

(C) for other purposes necessary to implement this section.

(2) AGREEMENT.—The agreement referred to in paragraph (1) shall become effective when the Tribe exercises its right under subsection (b).

SEC. 104. CHIPPEWA CREE INDIAN RESERVED WATER RIGHTS SETTLEMENT TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a trust fund for the Chippewa Cree Tribe of the Rocky Boy's Reservation to be known as the ''Chippewa Cree Indian Reserved Water Rights Settlement Trust Fund''.

(B) AVAILABILITY OF AMOUNTS IN FUND.—

(i) IN GENERAL.—Amounts in the Fund shall be available to the Secretary for management and investment on behalf of the Tribe and distribution to the Tribe in accordance with this Act.

(ii) AVAILABILITY.—Funds made available from the Fund under this section shall be available without fiscal year limitation.

(2) MANAGEMENT OF FUND.—The Secretary shall deposit and manage the principal and interest in the Fund in a manner consistent with subsection (b) and other applicable provisions of this Act.

(3) CONTENTS OF FUND.—The Fund shall consist of the amounts authorized to be appropriated to the Fund under section 105(a) and such other amounts as may be transferred or credited to the Fund.

(4) WITHDRAWAL.—The Tribe, with the approval of the Secretary, may withdraw the Fund and deposit it in a mutually agreed upon private financial institution. That withdrawal shall be made pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(5) ACCOUNTS.—The Secretary of the Interior shall establish the following accounts in the Fund and shall allocate appropriations to the various accounts as required in this Act:

(A) The Tribal Compact Administration Account.

(B) The Economic Development Account.

(C) The Future Water Supply Facilities Account.

(b) FUND MANAGEMENT.—

(1) IN GENERAL.—

(A) AMOUNTS IN FUND.—The Fund shall consist of such amounts as are appropriated to

the Fund and allocated to the accounts of the Fund by the Secretary as provided for in this Act and in accordance with the authorizations for appropriations in paragraphs (1), (2), and (3) of section 105(a), together with all interest that accrues in the Fund.

(B) MANAGEMENT BY SECRETARY.—The Secretary shall manage the Fund, make investments from the Fund, and make available funds from the Fund for distribution to the Tribe in a manner consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) TRIBAL MANAGEMENT.—

(A) IN GENERAL.—If the Tribe exercises its right pursuant to subsection (a)(4) to withdraw the Fund and deposit it in a private financial institution, except as provided in the withdrawal plan, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of the funds.

(B) WITHDRAWAL PLAN.—The withdrawal plan referred to in subparagraph (A) shall provide for—

(i) the creation of accounts and allocation to accounts in a fund established under the plan in a manner consistent with subsection (a); and

(ii) the appropriate terms and conditions, if any, on expenditures from the fund (in addition to the requirements of the plans set forth in paragraphs (2) and (3) of subsection (c)).

(c) USE OF FUND.—The Tribe shall use the Fund to fulfill the purposes of this Act, subject to the following restrictions on expenditures:

(1) Except for $400,000 necessary for capital expenditures in connection with Tribal Compact Administration, only interest accrued on the Tribal Compact Administration Account referred to in subsection (a)(5)(A) shall be available to satisfy the Tribe's obligations for Tribal Compact Administration under the provisions of the Compact.

(2) Both principal and accrued interest on the Economic Development Account referred to in subsection (a)(5)(B) shall be available to the Tribe for expenditure pursuant to an economic development plan approved by the Secretary.

(3) Both principal and accrued interest on the Future Water Supply Facilities Account referred to in subsection (a)(5)(C) shall be available to the Tribe for expenditure pursuant to a water supply plan approved by the Secretary.

(d) INVESTMENT OF FUND.—

(1) IN GENERAL.—

(A) APPLICABLE LAWS.—The Secretary shall invest amounts in the Fund in accordance with—

(i) the Act of April 1, 1880 (21 Stat. 70, chapter 41; 25 U.S.C. 161);

(ii) the first section of the Act entitled ''An Act to authorize the payment of interest of certain funds held in trust by the United States for Indian tribes'', approved February 12, 1929 (25 U.S.C. 161a); and

(iii) the first section of the Act entitled ''An Act to authorize the deposit and investment of Indian funds'', approved June 24, 1938 (25 U.S.C.162a).

(B) CREDITING OF AMOUNTS TO THE FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations of the United States held in the Fund shall be credited to and form part of the Fund. The Secretary of the Treasury shall credit to each of the accounts contained in the Fund a proportionate amount of that interest and proceeds.

(2) CERTAIN WITHDRAWN FUNDS.—

(A) IN GENERAL.—Amounts withdrawn from the Fund and deposited in a private financial institution pursuant to a withdrawal plan approved by the Secretary under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall be invested by an appropriate official under that plan.

(B) DEPOSIT OF INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held under this paragraph shall be deposited in the private financial institution referred to in subparagraph (A) in the fund established pursuant to the withdrawal plan referred to in that subparagraph. The appropriate official shall credit to each of the accounts contained in that fund a proportionate amount of that interest and proceeds.

(e) AGREEMENT REGARDING FUND EXPENDITURES.—If the Tribe does not exercise its right under subsection (a)(4) to withdraw the funds in the Fund and transfer those funds to a private financial institution, the Secretary shall enter into an agreement with the Tribe providing for appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in paragraphs (2) and (3) of subsection (c).

(f) PER CAPITA DISTRIBUTIONS PROHIBITED.—No part of the Fund shall be distributed on a per capita basis to members of the Tribe.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) CHIPPEWA CREE FUND.—There is authorized to be appropriated for the Fund, $21,000,000 to be allocated by the Secretary as follows:

(1) TRIBAL COMPACT ADMINISTRATION ACCOUNT.—For Tribal Compact Administration assumed by the Tribe under the Compact and this Act, $3,000,000 is authorized to be appropriated for fiscal year 2000.

(2) ECONOMIC DEVELOPMENT ACCOUNT.—For tribal economic development, $3,000,000 is authorized to be appropriated for fiscal year 2000.

(3) FUTURE WATER SUPPLY FACILITIES ACCOUNT.—For the total Federal contribution to the planning, design, construction, operation, maintenance, and rehabilitation of a future water supply system for the Reservation, there are authorized to be appropriated—

(A) $2,000,000 for fiscal year 2000;

(B) $8,000,000 for fiscal year 2001; and

(C) $5,000,000 for fiscal year 2002.

(b) ON-RESERVATION WATER DEVELOPMENT.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of the Interior, for the Bureau of Reclamation, for the construction of the on-Reservation water development projects authorized by section 103—

(A) $13,000,000 for fiscal year 2000, for the planning, design, and construction of the Bonneau Dam Enlargement, for the development of additional capacity in Bonneau Reservoir for storage of water secured to the Tribe under the Compact;

(B) $8,000,000 for fiscal year 2001, for the planning, design, and construction of the East Fork Dam and Reservoir enlargement, of the Brown's Dam and Reservoir enlargement, and of the Towe Ponds enlargement of which—

(i) $4,000,000 shall be used for the East Fork Dam and Reservoir enlargement;

(ii) $2,000,000 shall be used for the Brown's Dam and Reservoir enlargement; and

(iii) $2,000,000 shall be used for the Towe Ponds enlargement; and

(C) $3,000,000 for fiscal year 2002, for the planning, design, and construction of such other water resource developments as the Tribe, with the approval of the Secretary, from time to time may consider appropriate or for the completion of the 4 projects enumerated in subparagraphs (A) and (B) of paragraph (1).

(2) UNEXPENDED BALANCES.—Any unexpended balance in the funds authorized to be appropriated under subparagraph (A) or (B) of paragraph (1), after substantial completion of all of the projects enumerated in paragraphs (1) through (4) of section 103(a)—

(A) shall be available to the Tribe first for completion of the enumerated projects; and

(B) then for other water resource development projects on the Reservation.

(c) ADMINISTRATION COSTS.—There is authorized to be appropriated to the Department of the Interior, for the Bureau of Reclamation, $1,000,000 for fiscal year 2000, for the costs of administration of the Bureau of Reclamation under this Act, except that—

(1) if those costs exceed $1,000,000, the Bureau of Reclamation may use funds authorized for appropriation under subsection (b) for costs; and

(2) the Bureau of Reclamation shall exercise its best efforts to minimize those costs to avoid expenditures for the costs of administration under this Act that exceed a total of $1,000,000.

(d) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The amounts authorized to be appropriated to the Fund and allocated to its accounts pursuant to subsection (a) shall be deposited into the Fund and allocated immediately on appropriation.

(2) INVESTMENTS.—Investments may be made from the Fund pursuant to section 104(d).

(3) AVAILABILITY OF CERTAIN MONEYS.—The amounts authorized to be appropriated in subsection (a)(1) shall be available for use immediately upon appropriation in accordance with subsection 104(c)(1).

(4) LIMITATION.—Those moneys allocated by the Secretary to accounts in the Fund or in a fund established under section 104(a)(4) shall draw interest consistent with section 104(d), but the moneys authorized to be appropriated under subsection (b) and paragraphs (2) and (3) of subsection (a) shall not be available for expenditure until the requirements of section 101(b) have been met so that the decree has become final and the Tribe has executed the waiver and release required under section 5(c).

(e) RETURN OF FUNDS TO THE TREASURY.—

(1) IN GENERAL.—In the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), all unexpended funds appropriated under the authority of this Act together with all interest earned on such funds, notwithstanding whether the funds are held by the Tribe, a private institution, or the Secretary, shall revert to the general fund of the Treasury 12 months after the expiration of the deadline established in section 101(b).

(2) INCLUSION IN AGREEMENTS AND PLAN.—The requirements in paragraph (1) shall be included in all annual funding agreements entered into under the self-governance program under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), withdrawal plans, withdrawal agreements, or any other agreements for withdrawal or transfer of the funds to the Tribe or a private financial institution under this Act.

(f) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

SEC. 106. STATE CONTRIBUTIONS TO SETTLEMENT.

Consistent with Articles VI.C.2 and C.3 of the Compact, the State contribution to settlement shall be as follows:

(1) The contribution of $150,000 appropriated by Montana House Bill 6 of the 55th Legislative Session (1997) shall be used for the following purposes:

(A) Water quality discharge monitoring wells and monitoring program.

(B) A diversion structure on Big Sandy Creek.

(C) A conveyance structure on Box Elder Creek.

(D) The purchase of contract water from Lower Beaver Creek Reservoir.

(2) Subject to the availability of funds, the State shall provide services valued at $400,000 for administration required by the Compact and for water quality sampling required by the Compact.

TITLE II—TIBER RESERVOIR ALLOCATION AND FEASIBILITY STUDIES AUTHORIZATION.

SEC. 201. TIBER RESERVOIR.

(a) ALLOCATION OF WATER TO THE TRIBE.—

(1) IN GENERAL.—The Secretary shall permanently allocate to the Tribe, without cost to the Tribe, 10,000 acre-feet per year of stored water from the water right of the Bureau of Reclamation in Lake Elwell, Lower Marias Unit, Upper Missouri Division, Pick-Sloan Missouri Basin Program, Montana, measured at the outlet works of the dam or at the diversion point from the reservoir. The allocation shall become effective when the decree referred to in section 101(b) has become final in accordance with that section. The allocation shall be part of the Tribal Water Right and subject to the terms of this Act.

(2) AGREEMENT.—The Secretary shall enter into an agreement with the Tribe setting forth the terms of the allocation and providing for the Tribe's use or temporary transfer of water stored in Lake Elwell, subject to the terms and conditions of the Compact and this Act.

(3) PRIOR RESERVED WATER RIGHTS.—The allocation provided in this section shall be subject to the prior reserved water rights, if any, of any Indian tribe, or person claiming water through any Indian tribe.

(b) USE AND TEMPORARY TRANSFER OF ALLOCATION.—

(1) IN GENERAL.—Subject to the limitations and conditions set forth in the Compact and this Act, the Tribe shall have the right to devote the water allocated by this section to any use, including agricultural, municipal, commercial, industrial, mining, or recreational uses, within or outside the Rocky Boy's Reservation.

(2) CONTRACTS AND AGREEMENTS.—Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water allocated by this section, except that no such service contract, lease, exchange, or other agreement may permanently alienate any portion of the tribal allocation.

(c) REMAINING STORAGE.—The United States shall retain the right to use for any authorized purpose, any and all storage remaining in Lake Elwell after the allocation made to the Tribe in subsection (a).

(d) WATER TRANSPORT OBLIGATION; DEVELOPMENT AND DELIVERY COSTS.—The United States shall have no responsibility or obligation to provide any facility for the transport of the water allocated by this section to the Rocky Boy's Reservation or to any other location. Except for the contribution set forth in section 105(a)(3), the cost of developing and delivering the water allocated by this title or any other supplemental water to the Rocky Boy's Reservation shall not be borne by the United States.

(e) SECTION NOT PRECEDENTIAL.—The provisions of this section regarding the allocation of water resources from the Tiber Reservoir to the Tribe shall not be construed as precedent in the litigation or settlement of any other Indian water right claims.

SEC. 202. MUNICIPAL, RURAL, AND INDUSTRIAL FEASIBILITY STUDY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—

(A) STUDY.—The Secretary, acting through the Bureau of Reclamation, shall perform an MR&I feasibility study of water and related resources in North Central Montana to evaluate alternatives for a municipal, rural, and industrial supply for the Rocky Boy's Reservation.

(B) USE OF FUNDS MADE AVAILABLE FOR FISCAL YEAR 1999.—The authority under subparagraph (A) shall be deemed to apply to MR&I feasibility study activities for which funds were made available by appropriations for fiscal year 1999.

(2) CONTENTS OF STUDY.—The MR&I feasibility study shall include the feasibility of releasing the Tribe's Tiber allocation as provided for in section 201 into the Missouri River System for later diversion to a treatment and delivery system for the Rocky Boy's Reservation.

(3) UTILIZATION OF EXISTING STUDIES.—The MR&I feasibility study shall include utilization of existing Federal and non-Federal studies and shall be planned and conducted in consultation with other Federal agencies, the State of Montana, and the Chippewa Cree Tribe.

(b) ACCEPTANCE OR PARTICIPATION IN IDENTIFIED OFF-RESERVATION SYSTEM.—The United States, the Chippewa Cree Tribe of the Rocky Boy's Reservation, and the State of Montana shall not be obligated to accept or participate in any potential off-Reservation water supply system identified in the MR&I feasibility study authorized in subsection (a).

SEC. 203. REGIONAL FEASIBILITY STUDY—

(a) IN GENERAL.—

(1) STUDY.—The Secretary, acting through the Bureau of Reclamation, shall conduct, pursuant to Reclamation Law, a regional feasibility study (referred to in this subsection as the ''regional feasibility study'') to evaluate water and related resources in North-Central Montana in order to determine the limitations of those resources and how those resources can best be managed and developed to serve the needs of the citizens of Montana.

(2) USE OF FUNDS MADE AVAILABLE FOR FISCAL YEAR 1999.—The authority under paragraph (1) shall be deemed to apply to regional feasibility study activities for which funds were made available by appropriations for fiscal year 1999.

(b) CONTENTS OF STUDY.—The regional feasibility study shall—

(1) evaluate existing and potential water supplies, uses, and management;

(2) identify major water-related issues, including environmental, water supply, and economic issues;

(3) evaluate opportunities to resolve the issues referred to in paragraph (2); and

(4) evaluate options for implementation of resolutions to the issues.

(c) REQUIREMENTS.—Because of the regional and international impact of the regional feasibility study, the study may not be segmented. The regional study shall—

(1) utilize, to the maximum extent possible, existing information; and

(2) be planned and conducted in consultation with all affected interests, including interests in Canada.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS FOR FEASIBILITY STUDIES.

(a) FISCAL YEAR 1999 APPROPRIATIONS.—Of the amounts made available by appropriations for fiscal year 1999 for the Bureau of Reclamation, $1,000,000 shall be used for the purpose of commencing the MR&I feasibility study under section 202 and the regional study under section 203, of which—

(1) $500,000 shall be used for the MR&I study under section 202; and

(2) $500,000 shall be used for the regional study under section 203.

(b) FEASIBILITY STUDIES.—There is authorized to be appropriated to the Department of the Interior, for the Bureau of Reclamation, for the purpose of conducting the MR&I feasibility study under section 202 and the regional study under section 203, $3,000,000 for fiscal year 2000, of which—

(1) $500,000 shall be used for the MR&I feasibility study under section 202; and

(2) $2,500,000 shall be used for the regional study under section 203.

(c) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

(d) AVAILABILITY OF CERTAIN MONEYS.—The amounts made available for use under subsection (a) shall be deemed to have been available for use as of the date on which those funds were appropriated. The amounts authorized to be appropriated in subsection (b) shall be available for use immediately upon appropriation.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM TO FILE REPORT AFTER SINE DIE ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent to file a report after adjournment. I ask unanimous consent that the Committee on Government Reform be permitted to file an investigative report by December 10, 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

FOUR CORNERS INTERPRETIVE CENTER ACT

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 28) to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purpose, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do so to yield to the gentleman to quickly explain the bill.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Speaker, I rise in support of S. 28, the Four Corners Interpretive Center Act. Having introduced companion legislation, H.R. 1384,

S. 28 simply establishes the Four Corners Interpretive Center to provide a unique collection of cultural, historical and archeological specimens for the millions of people who visit the only geographic location in the nation where the boundaries of four States, Arizona, Colorado, New Mexico and Utah come together.

The Four Corners Monument Tribal Park is located on lands that fall within the Navajo Reservation and the Ute Mountain Reservation. In 1996, these tribes entered into a memorandum of understanding governing the future development of the park.

S. 28 and H.R. 1384 reflect that agreement, providing the initial facility of base communities to lead to full development of the park. This bill represents the cooperation of Federal, State and local and tribal governments in an effort to reaffirm the ties of our past while extending those ties to the future. I urge support for this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 28

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 ''Four Corners Interpretive Center Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Four Corners Monument is nationally significant as the only geographic location in the United States where 4 State boundaries meet;

(2) the States with boundaries that meet at the Four Corners are Arizona, Colorado, New Mexico, and Utah;

(3) between 1868 and 1875 the boundary lines that created the Four Corners were drawn, and in 1899 a monument was erected at the site;

(4) a United States postal stamp will be issued in 1999 to commemorate the centennial of the original boundary marker;

(5) the Four Corners area is distinct in character and possesses important historical, cultural, and prehistoric values and resources within the surrounding cultural landscape;

(6) although there are no permanent facilities or utilities at the Four Corners Monument Tribal Park, each year the park attracts approximately 250,000 visitors;

(7) the area of the Four Corners Monument Tribal Park falls entirely within the Navajo Nation or Ute Mountain Ute Tribe reservations;

(8) the Navajo Nation and the Ute Mountain Ute Tribe have entered into a memorandum of understanding governing the planning and future development of the Four Corners Monument Tribal Park;

(9) in 1992, through agreements executed by the Governors of Arizona, Colorado, New Mexico, and Utah, the Four Corners Heritage Council was established as a coalition of State, Federal, tribal, and private interests;

(10) the State of Arizona has obligated $45,000 for planning efforts and $250,000 for construction of an interpretive center at the Four Corners Monument Tribal Park;

(11) numerous studies and extensive consultation with American Indians have demonstrated that development at the Four Corners Monument Tribal Park would greatly benefit the people of the Navajo Nation and the Ute Mountain Ute Tribe;

(12) the Arizona Department of Transportation has completed preliminary cost estimates that are based on field experience with rest-area development for the construction of a Four Corners Interpretive Center and surrounding infrastructure, including restrooms, roadways, parking areas, and water, electrical, telephone, and sewage facilities;

(13) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(14) Federal financial assistance and technical expertise are needed for the construction of an interpretive center.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Four Corners Monument and surrounding landscape as a distinct area in the heritage of the United States that is worthy of interpretation and preservation;

(2) to assist the Navajo Nation and the Ute Mountain Ute Tribe in establishing the Four Corners Interpretive Center and related facilities to meet the needs of the general public;

(3) to highlight and showcase the collaborative resource stewardship of private individuals, Indian tribes, universities, Federal agencies, and the governments of States and political subdivisions thereof (including counties); and

(4) to promote knowledge of the life, art, culture, politics, and history of the culturally diverse groups of the Four Corners region.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) CENTER.—The term ''Center'' means the Four Corners Interpretive Center established under section 4, including restrooms, parking areas, vendor facilities, sidewalks, utilities, exhibits, and other visitor facilities.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means the State of Arizona, Colorado, New Mexico, or Utah, or any consortium of 2 or more of those States.

(3) FOUR CORNERS HERITAGE COUNCIL.—The term ''Four Corners Heritage Council'' means the nonprofit coalition of Federal, State, tribal, and private entities established in 1992 by agreements of the Governors of the States of Arizona, Colorado, New Mexico, and Utah.

(4) FOUR CORNERS MONUMENT.—The term ''Four Corners Monument'' means the physical monument where the boundaries of the States of Arizona, Colorado, New Mexico, and Utah meet.

(5) FOUR CORNERS MONUMENT TRIBAL PARK.—The term ''Four Corners Monument Tribal Park'' means lands within the legally defined boundaries of the Four Corners Monument Tribal Park.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. FOUR CORNERS INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary is authorized to establish within the boundaries of the Four Corners Monument Tribal Park a center for the interpretation and commemoration of the Four Corners Monument, to be known as the ''Four Corners Interpretive Center''.

(b) LAND DESIGNATED AND MADE AVAILABLE.—Land for the Center shall be designated and made available by the Navajo Nation or the Ute Mountain Ute Tribe within the boundaries of the Four Corners Monument Tribal Park in consultation with the Four Corners Heritage Council and in accordance with—

(1) the memorandum of understanding between the Navajo Nation and the Ute Mountain Ute Tribe that was entered into on October 22, 1996; and

(2) applicable supplemental agreements with the Bureau of Land Management, the National Park Service, and the United States Forest Service.

(c) CONCURRENCE.—Notwithstanding any other provision of this Act, no such center shall be established without the consent of the Navajo Nation and the Ute Mountain Ute Tribe.

(d) COMPONENTS OF CENTER.—The Center shall include—

(1) a location for permanent and temporary exhibits depicting the archaeological, cultural, and natural heritage of the Four Corners region;

(2) a venue for public education programs;

(3) a location to highlight the importance of efforts to preserve southwestern archaeological sites and museum collections;

(4) a location to provide information to the general public about cultural and natural resources, parks, museums, and travel in the Four Corners region; and

(5) visitor amenities including restrooms, public telephones, and other basic facilities.

SEC. 5. CONSTRUCTION GRANT.

(a) GRANT.—

(1) IN GENERAL.—The Secretary is authorized to award a grant to an eligible entity for the construction of the Center in an amount not to exceed 50 percent of the cost of construction of the Center.

(2) ASSURANCES.—To be eligible for the grant, the eligible entity that is selected to receive the grant shall provide assurances that—

(A) the non-Federal share of the costs of construction is paid from non-Federal sources (which may include contributions made by States, private sources, the Navajo Nation, and the Ute Mountain Ute Tribe for planning, design, construction, furnishing, startup, and operational expenses); and

(B) the aggregate amount of non-Federal funds contributed by the States used to carry out the activities specified in subparagraph (A) will not be less than $2,000,000, of which each of the States that is party to the grant will contribute equally in cash or in kind.

(3) FUNDS FROM PRIVATE SOURCES.—A State may use funds from private sources to meet the requirements of paragraph (2)(B).

(4) FUNDS OF STATE OF ARIZONA.—The State of Arizona may apply $45,000 authorized by the State of Arizona during fiscal year 1998 for planning and $250,000 that is held in reserve by the State for construction toward the Arizona share.

(b) GRANT REQUIREMENTS.—In order to receive a grant under this Act, the eligible entity selected to receive the grant shall—

(1) submit to the Secretary a proposal that—

(A) meets all applicable—

(i) laws, including building codes and regulations; and

(ii) requirements under the memorandum of understanding described in paragraph (2); and

(B) provides such information and assurances as the Secretary may require; and

(2) enter into a memorandum of understanding with the Secretary providing—

(A) a timetable for completion of construction and opening of the Center;

(B) assurances that design, architectural, and construction contracts will be competitively awarded;

(C) specifications meeting all applicable Federal, State, and local building codes and laws;

(D) arrangements for operations and maintenance upon completion of construction;

(E) a description of the Center collections and educational programming;

(F) a plan for design of exhibits including, but not limited to, the selection of collections to be exhibited, and the providing of security, preservation, protection, environmental controls, and presentations in accordance with professional museum standards;

(G) an agreement with the Navajo Nation and the Ute Mountain Ute Tribe relative to site selection and public access to the facilities; and

(H) a financing plan developed jointly by the Navajo Nation and the Ute Mountain Ute Tribe outlining the long-term management of the Center, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Center through the assessment of fees or other income generated by the Center;

(iii) a strategy for achieving financial self-sufficiency with respect to the Center by not later than 5 years after the date of enactment of this Act; and

(iv) appropriate vendor standards and business activities at the Four Corners Monument Tribal Park.

SEC. 6. SELECTION OF GRANT RECIPIENT.

The Four Corners Heritage Council may make recommendations to the Secretary on grant proposals regarding the design of facilities at the Four Corners Monument Tribal Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the Department of the Interior to carry out this Act—

(1) $2,000,000 for fiscal year 2000; and

(2) $50,000 for each of fiscal years 2001 through 2005 for maintenance and operation of the Center, program development, or staffing in a manner consistent with the requirements of section 5(b).

(b) CARRYOVER.—Funds made available under subsection (a)(1) that are unexpended at the end of the fiscal year for which those funds are appropriated, may be used by the Secretary through fiscal year 2002 for the purposes for which those funds are made available.

(c) RESERVATION OF FUNDS.—The Secretary may reserve funds appropriated pursuant to this Act until a grant proposal meeting the requirements of this Act is submitted, but no later than September 30, 2001.

SEC. 8. DONATIONS.

Notwithstanding any other provision of law, for purposes of the planning, construction, and operation of the Center, the Secretary may accept, retain, and expend donations of funds, and use property or services donated, from private persons and entities or from public entities.

SEC. 9. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to abrogate, modify, or impair any right or claim of the Navajo Nation or the Ute Mountain Ute Tribe, that is based on any law (including any treaty, Executive order, agreement, or Act of Congress).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORIC SITE ACT OF 1999

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 548) to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do so for the purposes of yielding to the gentleman so he may explain the bill.

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding. Mr. Speaker, S. 548 introduced by Senator MIKE DEWINE from Ohio and the gentlewoman from Ohio (Ms. KAPTUR), who have worked so diligently on this bill, authorizes the establishment of the Fallen Timbers Battlefield and Fort Miamis National Historical Site in Ohio.

The historical site shall be established as an affiliated area of the national park system and shall be administered in a manner consistent with the National Park Service.

The Metropolitan Park District of the Toledo area would be established as the management entity and is responsible for developing a management plan for the site. The Secretary of the Interior will provide both financial and technical assistance to implement the management plan and develop programs to preserve and interpret the historical, cultural, natural, recreational and scenic resources of the site.

The National Park Service completed a special resource study in October of 1998 of the site, which is already designated as a national historic landmark, and recommended affiliate status.

The bill has support from the National Park Service and the minority, and I urge my colleagues to support this bill.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentlewoman from Ohio, who has worked so very, very hard on this legislation.

Ms. KAPTUR. Mr. Speaker, I just wanted to, as we close out this first session of the 106th Congress, and we close out this century, extend my deepest appreciation on behalf of the people of Ohio and, by affiliation, the people of Michigan, Indiana and Illinois to the chairman, the gentleman from Utah (Mr. HANSEN), who could not have been more diligent in working with us, and the ranking member, the gentleman from California (Mr. GEORGE MILLER), to permit the people of our region of the United States to tell the full story of our history, the battle that occurred on this site and the assumption of the northwest territory and the opening of our entire region of the Nation to settlement.

I cannot thank the gentlemen enough on behalf of the people of the Buckeye State and our adjoining sister States for making this possible, before this century ends.

Mr. Speaker, the bill before us today is a matter of great significance to the American Midwest and to the 9th District of Ohio in particular. The bill under consideration today, Senator DEWINE's S. 548, is the companion to legislation I have introduced in the House, H.R. 868. I wish to thank Senator DEWINE for taking the lead on this measure in the Senate.

Some authorities place the Battle of Fallen Timbers among the three most important battles in the formation of the United States, alongside the battles of Yorktown and Gettysburg. We should note that the Battle of Fallen Timbers did secure and open a large territory—now embracing parts of Ohio, Michigan, Indiana, and Illinois—for new settlements in our fledgling nation.

Another, contemporary battle should also be recognized here today. That is the struggle for national recognition of the Battle of Fallen Timbers as a keystone in the Maumee Valley and the Midwest.

In 1991, I was able to secure authorization in the Interior Appropriations bill for the National Park Service to assess the Maumee River Heritage Corridor for historically significant sites. The first site assessed was the Fallen Timbers battlefield.

We will hear later this morning from two people who have served in that more recent battle, Dr. G. Michael Pratt from Heidelberg College and Jean Ward, Director of Metroparks of the Toledo Area. Dr. Pratt heads the Center for Historic and Military Archeology. He led the archaeological study that definitively located the Fallen Timbers Battlefield site. Jean Ward has served the Toledo area as director of its park system for more than 30 years. Toledo Metroparks manages over 7,000 acres of parkland and historic sites in Lucas County.

THE BATTLE OF FALLEN TIMBERS

In 1794, the line of control between British forces and their Native American allies and the forces of the United States lay across the ''Foot of the Rapids'' on the Maumee River. On August 20, 1794, General Anthony Wayne led his legion down the Maumee River valley from near what is now Waterville, Ohio. Coming to an area where a recent storm had toppled much of the forest, Wayne's leading elements were engaged by about 1,100 warriors from a confederacy of Ohio and Great Lakes tribes. The U.S. soldiers fell back to their main lines and a pitched battle surged back and forth over the ''fallen timbers.'' Finally, a concerted charge by the entire legion drove the Native Americans back to within sight of Fort Miamis to the northeast, and their resistance dissipated.

The Native American coalition included members of the Wyandot, Miami, Ottawa, Delaware, Mingo, Shawnee, Potawatomi, and

Chippewa tribes as well as a few Canadian militia.

The battle was a clear victory for the United States, a policy failure for the British, and a disaster for the Native American Confederacy. The resultant Treaty of Greenville in 1795 gained the City of Detroit, then the largest city on the Great Lakes and secured much of the Northwest Territory for the growing United States.

I am holding here a typical U.S. Department of Defense sketch of the Battle of Fallen Timbers that has been widely displayed in Army installations across our nation for decades.

In addition to the battlefield, the Historic Site would include the nearby site of Fort Miamis, which played a role not only in the Wayne campaign but also in the War of 1812. In the spring of 1813, British forces landed troops and artillery on the site of the deteriorated Fort Miamis on the lower Maumee River. Together with Shawnee Chief Tecumseh, the British twice attacked the American garrison at Fort Meigs—another military outpost along the Maumee River—and twice were repulsed. These U.S. victories at Fort Meigs frustrated British attempts to regain the Northwest Territory and were a prelude to the victory of Commodore Perry's Battle of Lake Erie victory later in 1813, a large mural of which hangs just outside the House chamber.

THE BATTLE FOR FALLEN TIMBERS

The people of northwest Ohio have long held a strong interest in the history of our region and, in particular, in the battle that won the territory for the United States. In the mid-1930's, a 9-acre site on the banks of the Maumee River then thought to be the location of the Battle of Fallen Timbers was dedicated and a statue commemorating the battle erected. As interest in preserving both our local history and natural areas grew earlier this decade, I was able to secure the authorization for a resource study of the Fallen Timbers area by the National Park Service as part of a possible Maumee River Valley Heritage Corridor that lies between Toledo, Ohio, and Fort Wayne, Indiana. It remains one of the most scenic and bucolic stretches in the Midwest.

Beginning in 1995, an archaeological investigation led by Dr. Pratt set out to identify the exact location of the battle. Dr. Pratt's excellent work has proven conclusively that the battle actually took place some distance from the existing Fallen Timbers Monument. Development is beginning to encroach on the battlefield site, but a significant portion of the core battlefield is still in agricultural use and owned by the City of Toledo.

It is that site, along with the Monument site and the Fort Miamis site, that this legislation would establish as a National Historic Site and an interpretive locus for the entire heritage corridor.

Most impressive, however, has been the outpouring of grassroots interest in the Battle of Fallen Timbers and the preservation of its sites. Our office has received hundreds of letters supporting preservation of these sites including this batch of drawings of Fort Miamis sent by the students at the Fort Miami School in Maumee, Ohio. Local press coverage has been extensive.

We should particularly note the efforts of Marianne Duvendack and the Fallen Timbers Battlefield Commission. The Commission has produced a flyer describing the battle and its historic significance. It has also produced an excellent video presentation in support of preservation.

Another person whose efforts must not be forgotten is the former Mayor of the City of Maumee, Steve Pauken. His tireless efforts contributed as much as anyone's to saving Fallen Timbers.

Others that have contributed financial, individual, and organizational resources to the effort include the Ohio Historical Society, the City of Maumee, the City of Toledo, the Maumee Valley Heritage Corridor, Heidelberg College, Toledo Metroparks, and the Toledo Blade and its editorial staff, particularly Ralph Johnson.

The Fallen Timbers Battlefield was listed as number two on the 1996 list of the ten most endangered National Historic Landmarks in a report by the National Park Service. It was included in the 1959 National Survey of Historic Sites and Buildings as one of 22 sites representing the national historic theme "The Advance of the Frontier, 1763–1830." It was designated a National Historic Landmark in 1960 as "the culminating event which demonstrated the tenacity of the American people in their efforts of western expansion through the struggle for dominance in the Old Northwest Territory."

The National Park Service Resource Study concluded that the Fallen Timbers Battlefield site would be "eligible, suitable, and feasible for recognition as an affiliated area of the National Park System if the 185-acre core battlefield can be acquired for preservation purposes." The House should know that we have the commitments of the State of Ohio, the City of Toledo, and the City of Maumee to see this project through to completion.

Mr. Speaker, I urge all of our colleagues to support this bill which helps complete the appreciation of our nation's early history.

Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 548

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 "Fallen Timbers Battlefield and Fort Miamis National Historic Site Act of 1999".

SEC. 2. DEFINITIONS.

As used in this Act:

(a) DEFINITIONS.—

(1) The term "historic site" means the Fallen Timbers Battlefield and Monument and Fort Miamis National Historic Site established by section 4 of this Act.

(2) The term "management plan" means the general management plan developed pursuant to section 5(d).

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "management entity" means the Metropolitan Park District of the Toledo Area.

(5) The term "technical assistance" means any guidance, advice, or other aid, other than financial assistance, provided by the Secretary.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The 185-acre Fallen Timbers Battlefield is the site of the 1794 battle between General Anthony Wayne and a confederation of Native American tribes led by Little Turtle and Blue Jacket.

(2) Fort Miamis was occupied by General Wayne's legion from 1796 to 1798.

(3) In the spring of 1813, British troops, led by General Henry Proctor, landed at Fort Miamis and attacked the fort twice, without success.

(4) Fort Miamis and Fallen Timbers Battlefield are in Lucas County, Ohio, in the city of Maumee.

(5) The 9-acre Fallen Timbers Battlefield Monument is listed as a National Historic Landmark.

(6) Fort Miamis is listed in the National Register of Historic Places as a historic site.

(7) In 1959, the Fallen Timbers Battlefield was included in the National Survey of Historic Sites and Buildings as 1 of 22 sites representing the "Advance of the Frontier, 1763–1830".

(8) In 1960, the Fallen Timbers Battlefield was designated as a National Historic Landmark.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize and preserve the 185-acre Fallen Timbers Battlefield site;

(2) to recognize and preserve the Fort Miamis site;

(3) to formalize the linkage of the Fallen Timbers Battlefield and Monument to Fort Miamis;

(4) to preserve and interpret United States military history and Native American culture during the period from 1794 through 1813;

(5) to provide assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State to implement the management plan and develop programs that will preserve and interpret the historical, cultural, natural, recreational and scenic resources of the historic site; and

(6) to authorize the Secretary to provide technical assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State, including the Ohio Historical Society, the city of Maumee, the Maumee Valley Heritage Corridor, the Fallen Timbers Battlefield Commission, Heidelberg College, the city of Toledo, and the Metropark District of the Toledo Area, to implement the management plan.

SEC. 4. ESTABLISHMENT OF THE FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORIC SITE.

(a) IN GENERAL.—There is established, as an affiliated area of the National Park System, the Fallen Timbers Battlefield and Fort Miamis National Historic Site in the State of Ohio.

(b) DESCRIPTION.—The historic site is comprised of the following as generally depicted on the map entitled Fallen Timbers Battlefield and Fort Miamis National Historical Site-proposed, number NHS–FTFM, and dated May 1999:

(1) The Fallen Timbers site, comprised generally of the following:

(A) The Fallen Timbers Battlefield site, consisting of an approximately 185-acre parcel located north of U.S. 24, west of U.S. 23/I–475, south of the Norfolk and Western Railroad line, and east of Jerome Road.

(B) The approximately 9-acre Fallen Timbers Battlefield Monument, located south of U.S. 24; and

(2) The Fort Miamis Park site.

(c) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION OF HISTORIC SITES.

(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the management entity to provide technical assistance to ensure the marking, research, interpretation, education and preservation of the Fallen Timbers Battlefield and Fort Miamis National Historic Site.

(c) REIMBURSEMENT.—Any payment made by the Secretary pursuant to this section shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the management entity and Native American tribes whose ancestors were involved in events at these sites, shall develop a general management plan for the historic site. The plan shall be prepared in accordance with section 12(b) of Public Law 91–383 (16 U.S.C. 1a–1 et seq.; commonly known as the National Park System General Authorities Act).

(2) COMPLETION.—The plan shall be completed not later than 2 years after the date funds are made available.

(3) TRANSMITTAL.—Not later than 30 days after completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated such funds as are necessary to carry out this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DIRECTING SECRETARY OF INTERIOR TO MAKE TECHNICAL CORRECTIONS TO MAP RELATING TO COASTAL BARRIER RESOURCES SYSTEM

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 34) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

□ 1930

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New Jersey?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from New Jersey to explain his unanimous consent request.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, coastal barriers are dynamic ecosystems and are prone to frequent moving and shifting as the result of storms and other natural processes. Despite their vulnerability, these areas are attractive locations to live in and are popular for vacation destinations.

Congress approved the Coastal Barriers Resources Act of 1982 to protect these areas by establishing a system of barrier units that are precluded from receiving Federal development assistance, including Federal flood insurance. The System is administered by the Fish and Wildlife Service.

Maps depicting the various units are adopted by Congress, and any changes to the boundaries of System units require legislative action. The System includes 274 otherwise protected areas. Otherwise protected areas include lands that are held for conservation purposes by the Federal, State, and local governments or private conservation groups.

Mr. Speaker, H.R. 34 adopts maps drawn by the Fish and Wildlife Service that correctly portray the boundaries of the Cayo Costa State Park in Florida, and this is supported by the Fish and Wildlife Service and the Committee on Resources majority and minority.

H.R. 34 passed the House of Representatives as part of H.R. 1431 on September 21, 1999.

Mr. Speaker, I believe H.R. 34 corrects a true mapping error, and I strongly urge the passage of this legislation.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, further reserving my right to object, this bill would authorize a minor map correction to change the boundaries of an otherwise protected area (OPA) to make these boundaries coterminous with the boundaries of a State park. This correction would exclude 14 acres of private land from the OPA.

The Committee on Resources has thoroughly reviewed the underlying justification for this map correction and has worked closely with the Fish and Wildlife Service throughout. The Committee has found nothing to prove conclusively that Congress intended to include private lands abutting the boundaries of the State park when it created this OPA in 1990. Also, there is reasonable doubt that these private lands would have qualified for inclusion under the Fish and Wildlife Service's designation criteria for otherwise protected areas or undeveloped coastal barriers.

This bill will rectify a previous mapping error by the Fish and Wildlife Service and bring this OPA into conformance with congressional intent to use existing park boundaries as the basis for OPA boundaries. The Administration supports this legislation and I urge that the House pass the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

H.R. 34

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

SECTION 1. CORRECTIONS TO MAPS.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in subsection (b) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map entitled ''Amendments to the Coastal Barrier Resources System'', dated _____, and on file with the Committee on Resources of the House of Representatives.

(b) MAP DESCRIBED.—The map described in this subsection is the map that—

(1) is included in a set of maps entitled ''Coastal Barrier Resources System'', dated November 2, 1994; and

(2) relates to unit P19–P of the Coastal Barrier Resources System.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 83. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

DIRECTING SECRETARY OF THE INTERIOR TO MAKE CORRECTIONS TO MAP RELATING TO COASTAL BARRIER RESOURCES SYSTEM

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 574) to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from New Jersey to explain his unanimous consent request.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, S. 574 is a second correction to the Coastal Barrier Resources System. In this case, the proposed change is to a unit affecting the Cape Henlopen State Park in Delaware.

This modification will remove approximately 32 acres of this privately

owned land that lies outside of the State park. This property was incorrectly incorporated within the unit, and it is appropriate to properly adjust the boundaries of DE–03P. Furthermore, this legislation adds approximately 245 acres of State park land that was inadvertently left out of the otherwise protected area in 1990. Therefore, the net effect of these boundary adjustments is to add some 213 acres to the Coastal Barrier Resources System.

Mr. Speaker, the House version of this legislation was the subject of a subcommittee hearing. It was carefully considered by the full Committee on Resources. It was adopted by the House of Representatives with the passage of H.R. 1431.

In addition, the other body unanimously adopted S. 574 as introduced by Senator BIDEN of Delaware on April 22. During our hearing, the administrative witnesses testified that the ''modification of the boundary constitutes a valid technical correction that conforms to the boundaries of the OPA to the boundaries of the State park, which the U.S. Fish and Wildlife Service and the Department supports.''

Mr. Speaker, I urge an aye vote.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, further reserving my right to object, this bill has been thoroughly reviewed by the Committee on Resources. The technical corrections contained in this bill are legitimate, non-controversial, and supported by the Administration.

I am especially pleased that this legislation would add an additional 213 acres of land within Cape Henlopen State Park to the Coastal Barrier Resource System. I support this bill and I urge an ''aye'' vote.

Mr. CASTLE. Mr. Speaker, I rise in strong support of S. 574, a bill to correct the boundary of the Coastal Barrier Resources System Map in Lewes, Delaware.

Back in 1990, when the U.S. Fish and Wildlife Service was drawing the boundary for this map, the service inadvertently included the Cape Shores Development and the Barcroft Corporation in the system. The Fish and Wildlife Service had intended to follow the boundary of Cape Henlopen State Park, but followed the wrong line on the map. As a result, this has made it difficult for Barcroft and the homeowners in Cape Shores to obtain affordable flood insurance.

This summer, the House passed an identical bill introduced to correct this problem as a subtitle to H.R. 1431, a comprehensive bill to reauthorize the Coast Barrier Resources Act. Due to time constraints, the Senate was not able to pass its own comprehensive reauthorization bill.

Therefore, in order to expedite the legislative process and make sure Barcroft Corporation and the residents of Cape Shores can obtain affordable flood insurance before winter storms strike Delaware, it is essential that we pass this legislation before the session ends.

I want to thank the Resources Committee Chairman, DON YOUNG; the Resources Fisheries Subcommittee Chairman, JIM SAXTON; and their staff for their tremendous efforts on this bill. The citizens of Delaware truly appreciate your assistance not just because it provides relief for Barcroft and Cape Shores, but also because it extends the protection of the Coastal Barrier Resources System to 245 additional acres in Cape Henlopen State Park.

I commend your work and urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 574

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

SECTION 1. CORRECTIONS TO MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to move on that map the boundary of the otherwise protected area (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)) to the Cape Henlopen State Park boundary to the extent necessary—

(1) to exclude from the otherwise protected area the adjacent property leased, as of the date of enactment of this Act, by the Barcroft Company and Cape Shores Associates (which are privately held corporations under the law of the State of Delaware); and

(2) to include in the otherwise protected area the northwestern corner of Cape Henlopen State Park seaward of the Lewes and Rehoboth Canal.

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled ''Coastal Barrier Resources System'', dated October 24, 1990, as revised October 15, 1992, and that relates to the unit of the Coastal Barrier Resources System entitled ''Cape Henlopen Unit DE–03P''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM ACT

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1866) to redesignate the Coastal Barrier Resources System as the ''John H. Chafee Coastal Barrier Resources System,'' and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I take this time for the purpose of asking the gentleman from New Jersey for an explanation of his unanimous consent request.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, finally, we are considering S. 1866, the John H. Chafee Coastal Barrier Resources System Act. The late Senator John Chafee was instrumental in the creation of this program in 1982, and he remained one of the program's biggest supporters up until his untimely death earlier this year.

The late Senator Chafee, in his role as ranking member and later chairman of the Senate Environment and Public Works Committee, was a guardian of this System's integrity, and worked tirelessly to prevent any unnecessary encroachment into the System.

Senator Chafee served the people of Rhode Island with great distinction for over 20 years. It is a fitting tribute to his name to name the Coastal Barrier Resources System in his honor. I urge my colleagues to vote aye on this measure.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, further reserving my right to object, with the recent passing of Senator John H. Chafee, Congress has lost a compassionate and persuasive advocate for the protection and conservation of our Nation's natural heritage. Senator Chafee's many legislative contributions, including his leadership in authorizing and improving keystone environmental legislation such as the Clean Water Act, the Clean Air Act, and the Endangered Species Act to only name a few, leave a legacy of accomplishment that is both daunting and admirable. As many people know, Senator Chafee deeply loved the coastal barrier beaches and islands of his beloved Ocean State. Perhaps this lifelong affection explains why Senator Chafee worked so tirelessly to create the Coastal Barrier Resource System in 1982, and why he fought so strenuously to protect it in the intervening years.

If there really is a way to pay tribute to this modest and self-effacing man, I can think of no better testimonial than to re-name the Coastal Barrier Resources System in his honor. It will serve as a lasting tribute to the man, and a reminder to us all of the important work that still remains unfinished in order to protect our Nation's environment. I support this bill and urge all Members to vote for it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

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 ''John H. Chafee Coastal Barrier Resources System Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) during the past 2 decades, Senator John H. Chafee was a leading voice for the protection of the environment and the conservation of the natural resources of the United States;

(2) Senator Chafee served on the Environment and Public Works Committee of the

Senate for 22 years, influencing every major piece of environmental legislation enacted during that time;

(3) Senator Chafee led the fight for clean air, clean water, safe drinking water, and cleanup of toxic wastes, and for strengthening of the National Wildlife Refuge System and protections for endangered species and their habitats;

(4) millions of people of the United States breathe cleaner air, drink cleaner water, and enjoy more plentiful outdoor recreation opportunities because of the work of Senator Chafee;

(5) in 1982, Senator Chafee authored and succeeded in enacting into law the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) to minimize loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts; and

(6) to reflect the invaluable national contributions made by Senator Chafee during his service in the Senate, the Coastal Barrier Resources System should be named in his honor.

SEC. 3. REDESIGNATION OF COASTAL BARRIER RESOURCES SYSTEM IN HONOR OF JOHN H. CHAFEE.

(a) IN GENERAL.—The Coastal Barrier Resources System established by section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is redesignated as the ''John H. Chafee Coastal Barrier Resources System''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Coastal Barrier Resources System shall be deemed to be a reference to the John H. Chafee Coastal Barrier Resources System.

(c) CONFORMING AMENDMENTS.—

(1) Section 2(b) of the Coastal Barrier Resources Act (16 U.S.C. 3501(b)) is amended by striking ''a Coastal Barrier Resources System'' and inserting ''the John H. Chafee Coastal Barrier Resources System''.

(2) Section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502) is amended by striking ''Coastal Barrier Resources System'' each place it appears and inserting ''John H. Chafee Coastal Barrier Resources System''.

(3) Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended—

(A) in the section heading, by striking ''**COASTAL BARRIER RESOURCES SYSTEM**'' and inserting ''**JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM**''; and

(B) in subsection (a), by striking ''the Coastal Barrier Resources System'' and inserting ''the John H. Chafee Coastal Barrier Resources System''.

(4) Section 10(c)(2) of the Coastal Barrier Resources Act (16 U.S.C. 3509(c)(2)) is amended by striking ''Coastal Barrier Resources System'' and inserting ''System''.

(5) Section 10(c)(2)(B)(i) of the Coastal Barrier Improvement Act of 1990 (12 U.S.C. 1441a–3(c)(2)(B)(i)) is amended by striking ''Coastal Barrier Resources System'' and inserting ''John H. Chafee Coastal Barrier Resources System''.

(6) Section 12(5) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591) is amended by striking ''Coastal Barrier Resources System'' and inserting ''John H. Chafee Coastal Barrier Resources System''.

(7) Section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) is amended—

(A) by striking the section heading and inserting the following:

''JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM'';

and

(B) by striking ''Coastal Barrier Resources System'' each place it appears and inserting ''John H. Chafee Coastal Barrier Resources System''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FOSTER CARE INDEPENDENCE ACT OF 1999

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 3443) to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

Mr. CARDIN. Mr. Speaker, reserving the right to object, I ask the gentlewoman from Connecticut (Mrs. JOHNSON) to explain her request.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding to me under his reservation.

Mr. Speaker, my colleagues may recall that the House acted on the Independent Living bill, H.R. 1802, in June and approved it overwhelmingly by a vote of 380 to 6. Every provision of this bill has been developed and written on a bipartisan basis. In this regard, I want to once again thank the gentleman from Maryland (Mr. CARDIN) for his exceptionally capable work on this legislation.

I also want to thank the administration, especially Secretary Shalala, for their timely help with this legislation. In addition, I thank the gentleman from Texas (Mr. DELAY), the Majority Whip, who testified in the House and Senate as a foster parent and who has been instrumental in securing passage of this legislation. Indeed, we would not be here today without his help.

We have been working with our colleagues in the other body over the last several days to resolve differences and have agreed upon the version of the bill before us. H.R. 3443 represents that consensus text. I want to especially acknowledge the work of Senators LOTT, ROTH, GRASSLEY, NICKLES, MOYNIHAN, and ROCKEFELLER on this bill.

Since the House is expected to conclude its business shortly, we are taking this action in order to expedite consideration in the other body and move the bill to the President's desk.

This bill will provide, for the first time, realistic support for our most unfortunate children, those who have been in foster care for many years and who reach adulthood essentially alone. Unfortunately, research shows that these children have terribly high levels of unemployment, mental illness, school failure, teen pregnancy, and homelessness, and are frequently the victims or predators of crime. These young Americans need our help to have the opportunity in life that all Americans dream of.

This bill contains only nine changes from the original legislation, all of them minor.

I close by commending the other body for commemorating the life of the great Senator, the life and work of the great Senator from Rhode Island, the incomparable John Chafee. Senator Chafee was a wonderful friend to many of us here in this House and a diligent worker for children. He was full of enthusiasm for this legislation and worked tirelessly to secure its progress through his committee, looking toward its passage in the Senate. In fact, we have been told that his last actions as a United States Senator were to lobby for this bill. Thus, it is highly fitting that we should rename this program the ''John H. Chafee Foster Care Independence Program.''

Mr. CARDIN. Mr. Speaker, further reserving my right to object, let me quickly point out how pleased I am that we were able to reach a bipartisan agreement and get this legislation moving, the Foster Care Independence Act. This represents a real victory for the 20,000 children who age out of foster care every year.

I want to especially congratulate the gentlewoman from Connecticut (Mrs. JOHNSON), chair of the Subcommittee on Human Resources, for the steadfast dedication to helping children and her incredible work with the other body so that we, in fact, could accomplish this legislation before we adjourn sine die.

I would also like to express my appreciation to the Clinton administration for their help in drafting this legislation.

Mr. Speaker, although we are acting on this bill, H.R. 3443, it started as H.R. 671 back in February of this year and became H.R. 1802 in the work of our subcommittee.

I finally want to also acknowledge the fine work of our staff Ron Haskins and Nick Wynn in the Committee on Ways and Means, the work that they have done.

I also want to join in recognizing Senator John Chafee for the work that he did in regards to this bill along with Senator ROCKEFELLER. He and Senator Chafee were incredible in seeing this legislation pass.

Senator Chafee's untimely death is a loss to all of us. Senator Chafee's unyielding commitment to improving the well being of all children and his willingness to reach beyond party and ideology will sorely be missed.

Mr. Speaker, this legislation is very important. As I indicated earlier, it is commitment by this body and by the Congress to say to children aging out of foster care that they are not going to be lost at the age of 18.

Mr. CARDIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3443

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foster Care Independence Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

Sec. 101. Improved independent living program.

Subtitle B—Related Foster Care Provision

Sec. 111. Increase in amount of assets allowable for children in foster care.

Sec. 112. Preparation of foster parents to provide for the needs of children in State care.

Subtitle C—Medicaid Amendments

Sec. 121. State option of Medicaid coverage for adolescents leaving foster care.

Subtitle D—Adoption Incentive Payments

Sec. 131. Increased funding for adoption incentive payments.

TITLE II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Provisions

Sec. 201. Liability of representative payees for overpayments to deceased recipients.

Sec. 202. Recovery of overpayments of SSI benefits from lump sum SSI benefit payments.

Sec. 203. Additional debt collection practices.

Sec. 204. Requirement to provide State prisoner information to Federal and federally assisted benefit programs.

Sec. 205. Treatment of assets held in trust under the SSI program.

Sec. 206. Disposal of resources for less than fair market value under the SSI program.

Sec. 207. Administrative procedure for imposing penalties for false or misleading statements.

Sec. 208. Exclusion of representatives and health care providers convicted of violations from participation in social security programs.

Sec. 209. State data exchanges.

Sec. 210. Study on possible measures to improve fraud prevention and administrative processing.

Sec. 211. Annual report on amounts necessary to combat fraud.

Sec. 212. Computer matches with Medicare and Medicaid institutionalization data.

Sec. 213. Access to information held by financial institutions.

Subtitle B—Benefits For Certain World War II Veterans

Sec. 251. Establishment of program of special benefits for certain World War II veterans.

Subtitle C—Study

Sec. 261. Study of denial of SSI benefits for family farmers.

TITLE III—CHILD SUPPORT

Sec. 301. Narrowing of hold harmless provision for State share of distribution of collected child support.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Technical corrections relating to amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

SEC. 101. IMPROVED INDEPENDENT LIVING PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) States are required to make reasonable efforts to find adoptive families for all children, including older children, for whom reunification with their biological family is not in the best interests of the child. However, some older children will continue to live in foster care. These children should be enrolled in an Independent Living program designed and conducted by State and local government to help prepare them for employment, postsecondary education, and successful management of adult responsibilities.

(2) Older children who continue to be in foster care as adolescents may become eligible for Independent Living programs. These Independent Living programs are not an alternative to adoption for these children. Enrollment in Independent Living programs can occur concurrent with continued efforts to locate and achieve placement in adoptive families for older children in foster care.

(3) About 20,000 adolescents leave the Nation's foster care system each year because they have reached 18 years of age and are expected to support themselves.

(4) Congress has received extensive information that adolescents leaving foster care have significant difficulty making a successful transition to adulthood; this information shows that children aging out of foster care show high rates of homelessness, non-marital childbearing, poverty, and delinquent or criminal behavior; they are also frequently the target of crime and physical assaults.

(5) The Nation's State and local governments, with financial support from the Federal Government, should offer an extensive program of education, training, employment, and financial support for young adults leaving foster care, with participation in such program beginning several years before high school graduation and continuing, as needed, until the young adults emancipated from foster care establish independence or reach 21 years of age.

(b) IMPROVED INDEPENDENT LIVING PROGRAM.—Section 477 of the Social Security Act (42 U.S.C. 677) is amended to read as follows:

''SEC. 477. JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.

''(a) PURPOSE.—The purpose of this section is to provide States with flexible funding that will enable programs to be designed and conducted—

''(1) to identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);

''(2) to help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment;

''(3) to help children who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions;

''(4) to provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults; and

''(5) to provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—A State may apply for funds from its allotment under subsection (c) for a period of five consecutive fiscal years by submitting to the Secretary, in writing, a plan that meets the requirements of paragraph (2) and the certifications required by paragraph (3) with respect to the plan.

''(2) STATE PLAN.—A plan meets the requirements of this paragraph if the plan specifies which State agency or agencies will administer, supervise, or oversee the programs carried out under the plan, and describes how the State intends to do the following:

''(A) Design and deliver programs to achieve the purposes of this section.

''(B) Ensure that all political subdivisions in the State are served by the program, though not necessarily in a uniform manner.

''(C) Ensure that the programs serve children of various ages and at various stages of achieving independence.

''(D) Involve the public and private sectors in helping adolescents in foster care achieve independence.

''(E) Use objective criteria for determining eligibility for benefits and services under the programs, and for ensuring fair and equitable treatment of benefit recipients.

''(F) Cooperate in national evaluations of the effects of the programs in achieving the purposes of this section.

''(3) CERTIFICATIONS.—The certifications required by this paragraph with respect to a plan are the following:

''(A) A certification by the chief executive officer of the State that the State will provide assistance and services to children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

''(B) A certification by the chief executive officer of the State that not more than 30 percent of the amounts paid to the State from its allotment under subsection (c) for a fiscal year will be expended for room or board for children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

''(C) A certification by the chief executive officer of the State that none of the amounts paid to the State from its allotment under subsection (c) will be expended for room or board for any child who has not attained 18 years of age.

''(D) A certification by the chief executive officer of the State that the State will use training funds provided under the program of Federal payments for foster care and adoption assistance to provide training to help foster parents, adoptive parents, workers in group homes, and case managers understand and address the issues confronting adolescents preparing for independent living, and will, to the extent possible, coordinate such training with the independent living program conducted for adolescents.

''(E) A certification by the chief executive officer of the State that the State has consulted widely with public and private organizations in developing the plan and that the State has given all interested members of the public at least 30 days to submit comments on the plan.

''(F) A certification by the chief executive officer of the State that the State will make every effort to coordinate the State programs receiving funds provided from an allotment made to the State under subsection (c) with other Federal and State programs for youth (especially transitional living youth projects funded under part B of title III of the Juvenile Justice and Delinquency Prevention Act of 1974), abstinence education programs, local housing programs, programs for disabled youth (especially sheltered workshops), and school-to-work programs offered by high schools or local workforce agencies.

''(G) A certification by the chief executive officer of the State that each Indian tribe in the State has been consulted about the programs to be carried out under the plan; that there have been efforts to coordinate the programs with such tribes; and that benefits and services under the programs will be made available to Indian children in the State on the same basis as to other children in the State.

''(H) A certification by the chief executive officer of the State that the State will ensure that adolescents participating in the program under this section participate directly in designing their own program activities that prepare them for independent living and that the adolescents accept personal responsibility for living up to their part of the program.

''(I) A certification by the chief executive officer of the State that the State has established and will enforce standards and procedures to prevent fraud and abuse in the programs carried out under the plan.

''(4) APPROVAL.—The Secretary shall approve an application submitted by a State pursuant to paragraph (1) for a period if—

''(A) the application is submitted on or before June 30 of the calendar year in which such period begins; and

''(B) the Secretary finds that the application contains the material required by paragraph (1).

''(5) AUTHORITY TO IMPLEMENT CERTAIN AMENDMENTS; NOTIFICATION.—A State with an application approved under paragraph (4) may implement any amendment to the plan contained in the application if the application, incorporating the amendment, would be approvable under paragraph (4). Within 30 days after a State implements any such amendment, the State shall notify the Secretary of the amendment.

''(6) AVAILABILITY.—The State shall make available to the public any application submitted by the State pursuant to paragraph (1), and a brief summary of the plan contained in the application.

''(c) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—From the amount specified in subsection (h) that remains after applying subsection (g)(2) for a fiscal year, the Secretary shall allot to each State with an application approved under subsection (b) for the fiscal year the amount which bears the same ratio to such remaining amount as the number of children in foster care under a program of the State in the most recent fiscal year for which such information is available bears to the total number of children in foster care in all States for such most recent fiscal year, as adjusted in accordance with paragraph (2).

''(2) HOLD HARMLESS PROVISION.—

''(A) IN GENERAL.—The Secretary shall allot to each State whose allotment for a fiscal year under paragraph (1) is less than the greater of $500,000 or the amount payable to the State under this section for fiscal year 1998, an additional amount equal to the difference between such allotment and such greater amount.

''(B) RATABLE REDUCTION OF CERTAIN ALLOTMENTS.—In the case of a State not described in subparagraph (A) of this paragraph for a fiscal year, the Secretary shall reduce the amount allotted to the State for the fiscal year under paragraph (1) by the amount that bears the same ratio to the sum of the differences determined under subparagraph (A) of this paragraph for the fiscal year as the excess of the amount so allotted over the greater of $500,000 or the amount payable to the State under this section for fiscal year 1998 bears to the sum of such excess amounts determined for all such States.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—A State to which an amount is paid from its allotment under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

''(2) NO SUPPLANTATION OF OTHER FUNDS AVAILABLE FOR SAME GENERAL PURPOSES.—The amounts paid to a State from its allotment under subsection (c) shall be used to supplement and not supplant any other funds which are available for the same general purposes in the State.

''(3) TWO-YEAR AVAILABILITY OF FUNDS.—Payments made to a State under this section for a fiscal year shall be expended by the State in the fiscal year or in the succeeding fiscal year.

''(e) PENALTIES.—

''(1) USE OF GRANT IN VIOLATION OF THIS PART.—If the Secretary is made aware, by an audit conducted under chapter 75 of title 31, United States Code, or by any other means, that a program receiving funds from an allotment made to a State under subsection (c) has been operated in a manner that is inconsistent with, or not disclosed in the State application approved under subsection (b), the Secretary shall assess a penalty against the State in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.

''(2) FAILURE TO COMPLY WITH DATA REPORTING REQUIREMENT.—The Secretary shall assess a penalty against a State that fails during a fiscal year to comply with an information collection plan implemented under subsection (f) in an amount equal to not less than 1 percent and not more than 5 percent of the amount allotted to the State for the fiscal year.

''(3) PENALTIES BASED ON DEGREE OF NONCOMPLIANCE.—The Secretary shall assess penalties under this subsection based on the degree of noncompliance.

''(f) DATA COLLECTION AND PERFORMANCE MEASUREMENT.—

''(1) IN GENERAL.—The Secretary, in consultation with State and local public officials responsible for administering independent living and other child welfare programs, child welfare advocates, members of Congress, youth service providers, and researchers, shall—

''(A) develop outcome measures (including measures of educational attainment, high school diploma, employment, avoidance of dependency, homelessness, nonmarital childbirth, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;

''(B) identify data elements needed to track—

''(i) the number and characteristics of children receiving services under this section;

''(ii) the type and quantity of services being provided; and

''(iii) State performance on the outcome measures; and

''(C) develop and implement a plan to collect the needed information beginning with the second fiscal year beginning after the date of the enactment of this section.

''(2) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this section, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the plans and timetable for collecting from the States the information described in paragraph (1) and a proposal to impose penalties consistent with paragraph (e)(2) on States that do not report data.

''(g) EVALUATIONS.—

''(1) IN GENERAL.—The Secretary shall conduct evaluations of such State programs funded under this section as the Secretary deems to be innovative or of potential national significance. The evaluation of any such program shall include information on the effects of the program on education, employment, and personal development. To the maximum extent practicable, the evaluations shall be based on rigorous scientific standards including random assignment to treatment and control groups. The Secretary is encouraged to work directly with State and local governments to design methods for conducting the evaluations, directly or by grant, contract, or cooperative agreement.

''(2) FUNDING OF EVALUATIONS.—The Secretary shall reserve 1.5 percent of the amount specified in subsection (h) for a fiscal year to carry out, during the fiscal year, evaluation, technical assistance, performance measurement, and data collection activities related to this section, directly or through grants, contracts, or cooperative agreements with appropriate entities.

''(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section and for payments to States under section 474(a)(4), there are authorized to be appropriated to the Secretary $140,000,000 for each fiscal year.''.

(c) PAYMENTS TO STATES.—Section 474(a)(4) of such Act (42 U.S.C. 674(a)(4)) is amended to read as follows:

''(4) the lesser of—

''(A) 80 percent of the amount (if any) by which—

''(i) the total amount expended by the State during the fiscal year in which the quarter occurs to carry out programs in accordance with the State application approved under section 477(b) for the period in which the quarter occurs (including any amendment that meets the requirements of section 477(b)(5)); exceeds

''(ii) the total amount of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs; or

''(B) the amount allotted to the State under section 477 for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for all prior quarters in the fiscal year.''.

(d) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue such regulations as may be necessary to carry out the amendments made by this section.

(e) SENSE OF THE CONGRESS.—It is the sense of the Congress that States should provide medical assistance under the State plan approved under title XIX of the Social Security Act to 18-, 19-, and 20-year-olds who have been emancipated from foster care.

Subtitle B—Related Foster Care Provision

SEC. 111. INCREASE IN AMOUNT OF ASSETS ALLOWABLE FOR CHILDREN IN FOSTER CARE.

Section 472(a) of the Social Security Act (42 U.S.C. 672(a)) is amended by adding at the end the following: ''In determining whether a child would have received aid under a State plan approved under section 402 (as in effect on July 16, 1996), a child whose resources (determined pursuant to section 402(a)(7)(B), as so in effect) have a combined value of not more than $10,000 shall be considered to be a child whose resources have a combined value of not more than $1,000 (or such lower amount as the State may determine for purposes of such section 402(a)(7)(B)).''.

SEC. 112. PREPARATION OF FOSTER PARENTS TO PROVIDE FOR THE NEEDS OF CHILDREN IN STATE CARE.

(a) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ''and'' at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting ''; and''; and

(3) by adding at the end the following:

''(24) include a certification that, before a child in foster care under the responsibility of the State is placed with prospective foster parents, the prospective foster parents will be prepared adequately with the appropriate knowledge and skills to provide for the needs of the child, and that such preparation will be continued, as necessary, after the placement of the child.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

Subtitle C—Medicaid Amendments

SEC. 121. STATE OPTION OF MEDICAID COVERAGE FOR ADOLESCENTS LEAVING FOSTER CARE.

(a) IN GENERAL.—Subject to subsection (c), title XIX of the Social Security Act is amended—

(1) in section 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii))—

(A) by striking ''or'' at the end of subclause (XIII);

(B) by adding ''or'' at the end of subclause (XIV); and

(C) by adding at the end the following new subclause:

''(XV) who are independent foster care adolescents (as defined in (section 1905(v)(1)), or who are within any reasonable categories of such adolescents specified by the State;''; and

(2) by adding at the end of section 1905 (42 U.S.C. 1396d) the following new subsection:

''(v)(1) For purposes of this title, the term 'independent foster care adolescent' means an individual—

''(A) who is under 21 years of age;

''(B) who, on the individual's 18th birthday, was in foster care under the responsibility of a State; and

''(C) whose assets, resources, and income do not exceed such levels (if any) as the State may establish consistent with paragraph (2).

''(2) The levels established by a State under paragraph (1)(C) may not be less than the corresponding levels applied by the State under section 1931(b).

''(3) A State may limit the eligibility of independent foster care adolescents under section 1902(a)(10)(A)(ii)(XV) to those individuals with respect to whom foster care maintenance payments or independent living services were furnished under a program funded under part E of title IV before the date the individuals attained 18 years of age.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance for items and services furnished on or after October 1, 1999.

(c) CONTINGENCY IN ENACTMENT.—If the Ticket to Work and Work Incentives Improvement Act of 1999 is enacted (whether before, on, or after the date of the enactment of this Act)—

(1) the amendments made by that Act shall be executed as if this Act had been enacted after the enactment of such other Act;

(2) with respect to subsection (a)(1)(A) of this section, any reference to subclause (XIII) is deemed a reference to subclause (XV);

(3) with respect to subsection (a)(1)(B) of this section, any reference to subclause (XIV) is deemed a reference to subclause (XVI);

(4) the subclause (XV) added by subsection (a)(1)(C) of this section—

(A) is redesignated as subclause (XVII); and

(B) is amended by striking ''section 1905(v)(1)'' and inserting ''section 1905(w)(1)''; and

(5) the subsection (v) added by subsection (a)(2) of this section—

(A) is redesignated as subsection (w); and

(B) is amended by striking ''1902(a)(10)(A)(ii)(XV)'' and inserting ''1902(a)(10)(A)(ii)(XVII)''.

Subtitle D—Adoption Incentive Payments

SEC. 131. INCREASED FUNDING FOR ADOPTION INCENTIVE PAYMENTS.

(a) SUPPLEMENTAL GRANTS.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended by adding at the end the following:

''(j) SUPPLEMENTAL GRANTS.—

''(1) IN GENERAL.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts, in addition to any amount otherwise payable under this section to any State that is an incentive-eligible State for fiscal year 1998, the Secretary shall make a grant to the State in an amount equal to the lesser of—

''(A) the amount by which—

''(i) the amount that would have been payable to the State under this section during fiscal year 1999 (on the basis of adoptions in fiscal year 1998) in the absence of subsection (d)(2) if sufficient funds had been available for the payment; exceeds

''(ii) the amount that, before the enactment of this subsection, was payable to the State under this section during fiscal year 1999 (on such basis); or

''(B) the amount that bears the same ratio to the dollar amount specified in paragraph (2) as the amount described by subparagraph (A) for the State bears to the aggregate of the amounts described by subparagraph (A) for all States that are incentive-eligible States for fiscal year 1998.

''(2) FUNDING.—$23,000,000 of the amounts appropriated under subsection (h)(1) for fiscal year 2000 may be used for grants under paragraph (1) of this subsection.''.

(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—Section 473A(h)(1) of the Social Security Act (42 U.S.C. 673b(h)(1)) is amended to read as follows:

''(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary—

''(A) $20,000,000 for fiscal year 1999;

''(B) $43,000,000 for fiscal year 2000; and

''(C) $20,000,000 for each of fiscal years 2001 through 2003.''.

TITLE II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Provisions

SEC. 201. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECIPIENTS.

(a) AMENDMENT TO TITLE II.—Section 204(a)(2) of the Social Security Act (42 U.S.C. 404(a)(2)) is amended by adding at the end the following new sentence: ''If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual's death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.''.

(b) AMENDMENT TO TITLE XVI.—Section 1631(b)(2) of such Act (42 U.S.C. 1383(b)(2)) is amended by adding at the end the following new sentence: ''If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual's death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to overpayments made 12 months or more after the date of the enactment of this Act.

SEC. 202. RECOVERY OF OVERPAYMENTS OF SSI BENEFITS FROM LUMP SUM SSI BENEFIT PAYMENTS.

(a) IN GENERAL.—Section 1631(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1383(b)(1)(B)(ii)) is amended—

(1) by inserting ''monthly'' before ''benefit payments''; and

(2) by inserting ''and in the case of an individual or eligible spouse to whom a lump sum is payable under this title (including under section 1616(a) of this Act or under an agreement entered into under section 212(a) of Public Law 93–66) shall, as at least one means of recovering such overpayment, make the adjustment or recovery from the lump sum payment in an amount equal to not less than the lesser of the amount of the overpayment or 50 percent of the lump sum payment,'' before ''unless fraud''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 12 months after the date of the enactment of this Act and shall apply to amounts incorrectly paid which remain outstanding on or after such date.

SEC. 203. ADDITIONAL DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 1631(b) of the Social Security Act (42 U.S.C. 1383(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

''(4)(A) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code, and in section 5514 of title 5, United States Code, all as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.

''(B) For purposes of subparagraph (A), the term 'delinquent amount' means an amount—

''(i) in excess of the correct amount of payment under this title;

''(ii) paid to a person after such person has attained 18 years of age; and

''(iii) determined by the Commissioner of Social Security, under regulations, to be otherwise unrecoverable under this section after such person ceases to be a beneficiary under this title.''.

(b) CONFORMING AMENDMENTS.—Section 3701(d)(2) of title 31, United States Code, is amended by striking ''section 204(f)'' and inserting ''sections 204(f) and 1631(b)(4)''.

(c) TECHNICAL AMENDMENTS.—Section 204(f) of the Social Security Act (42 U.S.C. 404(f)) is amended—

(1) by striking ''3711(e)'' and inserting ''3711(f)''; and

(2) by inserting ''all'' before ''as in effect''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to debt outstanding on or after the date of the enactment of this Act.

SEC. 204. REQUIREMENT TO PROVIDE STATE PRISONER INFORMATION TO FEDERAL AND FEDERALLY ASSISTED BENEFIT PROGRAMS.

Section 1611(e)(1)(I)(ii)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) is amended by striking ''is authorized to'' and inserting ''shall''.

SEC. 205. TREATMENT OF ASSETS HELD IN TRUST UNDER THE SSI PROGRAM.

(a) TREATMENT AS RESOURCE.—Section 1613 of the Social Security Act (42 U.S.C. 1382b) is amended by adding at the end the following:

''Trusts

''(e)(1) In determining the resources of an individual, paragraph (3) shall apply to a trust (other than a trust described in paragraph (5)) established by the individual.

''(2)(A) For purposes of this subsection, an individual shall be considered to have established a trust if any assets of the individual (or of the individual's spouse) are transferred to the trust other than by will.

''(B) In the case of an irrevocable trust to which are transferred the assets of an individual (or of the individual's spouse) and the assets of any other person, this subsection shall apply to the portion of the trust attributable to the assets of the individual (or of the individual's spouse).

''(C) This subsection shall apply to a trust without regard to—

''(i) the purposes for which the trust is established;

''(ii) whether the trustees have or exercise any discretion under the trust;

''(iii) any restrictions on when or whether distributions may be made from the trust; or

''(iv) any restrictions on the use of distributions from the trust.

''(3)(A) In the case of a revocable trust established by an individual, the corpus of the trust shall be considered a resource available to the individual.

''(B) In the case of an irrevocable trust established by an individual, if there are any circumstances under which payment from the trust could be made to or for the benefit of the individual or the individual's spouse, the portion of the corpus from which payment to or for the benefit of the individual or the individual's spouse could be made shall be considered a resource available to the individual.

''(4) The Commissioner of Social Security may waive the application of this subsection with respect to an individual if the Commissioner determines that such application would work an undue hardship (as determined on the basis of criteria established by the Commissioner) on the individual.

''(5) This subsection shall not apply to a trust described in subparagraph (A) or (C) of section 1917(d)(4).

''(6) For purposes of this subsection—

''(A) the term 'trust' includes any legal instrument or device that is similar to a trust;

''(B) the term 'corpus' means, with respect to a trust, all property and other interests held by the trust, including accumulated earnings and any other addition to the trust after its establishment (except that such term does not include any such earnings or addition in the month in which the earnings or addition is credited or otherwise transferred to the trust); and

''(C) the term 'asset' includes any income or resource of the individual or of the individual's spouse, including—

''(i) any income excluded by section 1612(b);

''(ii) any resource otherwise excluded by this section; and

''(iii) any other payment or property to which the individual or the individual's spouse is entitled but does not receive or have access to because of action by—

''(I) the individual or spouse;

''(II) a person or entity (including a court) with legal authority to act in place of, or on behalf of, the individual or spouse; or

''(III) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse.''.

(b) TREATMENT AS INCOME.—Section 1612(a)(2) of such Act (42 U.S.C. 1382a(a)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by adding at the end the following:

''(G) any earnings of, and additions to, the corpus of a trust established by an individual (within the meaning of section 1613(e)), of which the individual is a beneficiary, to which section 1613(e) applies, and, in the case of an irrevocable trust, with respect to which circumstances exist under which a payment from the earnings or additions could be made to or for the benefit of the individual.''.

(c) CONFORMING AMENDMENTS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by adding ''and'' at the end of subparagraph (F); and

(3) by inserting after subparagraph (F) the following:

''(G) that, in applying eligibility criteria of the supplemental security income program under title XVI for purposes of determining eligibility for medical assistance under the State plan of an individual who is not receiving supplemental security income, the State will disregard the provisions of section 1613(e);''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2000, and shall apply to trusts established on or after such date.

SEC. 206. DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE UNDER THE SSI PROGRAM.

(a) IN GENERAL.—Section 1613(c) of the Social Security Act (42 U.S.C. 1382b(c)) is amended—

(1) in the caption, by striking ''Notification of Medicaid Policy Restricting Eligibility of Institutionalized Individuals for Benefits Based on'';

(2) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting ''paragraph (1) and'' after ''provisions of'';

(ii) by striking ''title XIX'' the first place it appears and inserting ''this title and title XIX, respectively,'';

(iii) by striking ''subparagraph (B)'' and inserting ''clause (ii)'';

(iv) by striking ''paragraph (2)'' and inserting ''subparagraph (B)'';

(B) in subparagraph (B)—

(i) by striking ''by the State agency''; and

(ii) by striking ''section 1917(c)'' and all that follows and inserting ''paragraph (1) or section 1917(c).''; and

(C) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in paragraph (2)—

(A) by striking ''(2)'' and inserting ''(B)''; and

(B) by striking ''paragraph (1)(B)'' and inserting ''subparagraph (A)(ii)'';

(4) by striking ''(c)(1)'' and inserting ''(2)(A)''; and

(5) by inserting before paragraph (2) (as so redesignated by paragraph (4) of this subsection) the following:

''(c)(1)(A)(i) If an individual or the spouse of an individual disposes of resources for less than fair market value on or after the look-back date described in clause (ii)(I), the individual is ineligible for benefits under this title for months during the period beginning on the date described in clause (iii) and equal to the number of months calculated as provided in clause (iv).

''(ii)(I) The look-back date described in this subclause is a date that is 36 months before the date described in subclause (II).

''(II) The date described in this subclause is the date on which the individual applies for benefits under this title or, if later, the date on which the individual (or the spouse of the individual) disposes of resources for less than fair market value.

''(iii) The date described in this clause is the first day of the first month in or after which resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

''(iv) The number of months calculated under this clause shall be equal to—

''(I) the total, cumulative uncompensated value of all resources so disposed of by the individual (or the spouse of the individual) on or after the look-back date described in clause (ii)(I); divided by

''(II) the amount of the maximum monthly benefit payable under section 1611(b), plus the amount (if any) of the maximum State supplementary payment corresponding to the State's payment level applicable to the individual's living arrangement and eligibility category that would otherwise be payable to the individual by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66, for the month in which occurs the date described in clause (ii)(II),

rounded, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.

''(B)(i) Notwithstanding subparagraph (A), this subsection shall not apply to a transfer of a resource to a trust if the portion of the trust attributable to the resource is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)).

''(ii) In the case of a trust established by an individual or an individual's spouse (within the meaning of subsection (e)), if from such portion of the trust, if any, that is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)) or the residue of the portion on the termination of the trust—

''(I) there is made a payment other than to or for the benefit of the individual; or

''(II) no payment could under any circumstance be made to the individual,

then, for purposes of this subsection, the payment described in clause (I) or the foreclosure of payment described in clause (II) shall be considered a transfer of resources by the individual or the individual's spouse as of the date of the payment or foreclosure, as the case may be.

''(C) An individual shall not be ineligible for benefits under this title by reason of the application of this paragraph to a disposal of resources by the individual or the spouse of the individual, to the extent that—

''(i) the resources are a home and title to the home was transferred to—

''(I) the spouse of the transferor;

''(II) a child of the transferor who has not attained 21 years of age, or is blind or disabled;

''(III) a sibling of the transferor who has an equity interest in such home and who was residing in the transferor's home for a period of at least 1 year immediately before the date the transferor becomes an institutionalized individual; or

''(IV) a son or daughter of the transferor (other than a child described in subclause (II)) who was residing in the transferor's home for a period of at least 2 years immediately before the date the transferor becomes an institutionalized individual, and who provided care to the transferor which permitted the transferor to reside at home rather than in such an institution or facility;

''(ii) the resources—

''(I) were transferred to the transferor's spouse or to another for the sole benefit of the transferor's spouse;

''(II) were transferred from the transferor's spouse to another for the sole benefit of the transferor's spouse;

''(III) were transferred to, or to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of, the transferor's child who is blind or disabled; or

''(IV) were transferred to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of an individual who has not attained 65 years of age and who is disabled;

''(iii) a satisfactory showing is made to the Commissioner of Social Security (in accordance with regulations promulgated by the Commissioner) that—

''(I) the individual who disposed of the resources intended to dispose of the resources either at fair market value, or for other valuable consideration;

''(II) the resources were transferred exclusively for a purpose other than to qualify for benefits under this title; or

''(III) all resources transferred for less than fair market value have been returned to the transferor; or

''(iv) the Commissioner determines, under procedures established by the Commissioner, that the denial of eligibility would work an undue hardship as determined on the basis of criteria established by the Commissioner.

''(D) For purposes of this subsection, in the case of a resource held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the resource (or the affected portion of such resource) shall be considered to be disposed of by the individual when any action is taken, either by the individual or by any other person, that reduces or eliminates the individual's ownership or control of such resource.

''(E) In the case of a transfer by the spouse of an individual that results in a period of ineligibility for the individual under this subsection, the Commissioner shall apportion the period (or any portion of the period) among the individual and the individual's spouse if the spouse becomes eligible for benefits under this title.

''(F) For purposes of this paragraph—

''(i) the term 'benefits under this title' includes payments of the type described in section 1616(a) of this Act and of the type described in section 212(b) of Public Law 93–66;

''(ii) the term 'institutionalized individual' has the meaning given such term in section 1917(e)(3); and

''(iii) the term 'trust' has the meaning given such term in subsection (e)(6)(A) of this section.''.

(b) CONFORMING AMENDMENT.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), as amended by section 205(c) of this Act, is amended by striking ''section 1613(e)'' and inserting ''subsections (c) and (e) of section 1613''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to disposals made on or after the date of the enactment of this Act.

SEC. 207. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129 the following:

''SEC. 1129A. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

''(a) IN GENERAL.—Any person who makes, or causes to be made, a statement or representation of a material fact for use in determining any initial or continuing right to or the amount of—

''(1) monthly insurance benefits under title II; or

''(2) benefits or payments under title XVI,

that the person knows or should know is false or misleading or knows or should know omits a material fact or who makes such a statement with knowing disregard for the truth shall be subject to, in addition to any other penalties that may be prescribed by law, a penalty described in subsection (b) to be imposed by the Commissioner of Social Security.

''(b) PENALTY.—The penalty described in this subsection is—

''(1) nonpayment of benefits under title II that would otherwise be payable to the person; and

''(2) ineligibility for cash benefits under title XVI,

for each month that begins during the applicable period described in subsection (c).

''(c) DURATION OF PENALTY.—The duration of the applicable period, with respect to a determination by the Commissioner under subsection (a) that a person has engaged in conduct described in subsection (a), shall be—

''(1) six consecutive months, in the case of the first such determination with respect to the person;

''(2) twelve consecutive months, in the case of the second such determination with respect to the person; and

''(3) twenty-four consecutive months, in the case of the third or subsequent such determination with respect to the person.

''(d) EFFECT ON OTHER ASSISTANCE.—A person subject to a period of nonpayment of benefits under title II or ineligibility for title XVI benefits by reason of this section nevertheless shall be considered to be eligible for and receiving such benefits, to the extent that the person would be receiving or eligible for such benefits but for the imposition of the penalty, for purposes of—

''(1) determination of the eligibility of the person for benefits under titles XVIII and XIX; and

''(2) determination of the eligibility or amount of benefits payable under title II or XVI to another person.

''(e) DEFINITION.—In this section, the term 'benefits under title XVI' includes State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66.

''(f) CONSULTATIONS.—The Commissioner of Social Security shall consult with the Inspector General of the Social Security Administration regarding initiating actions under this section.''.

(b) CONFORMING AMENDMENT PRECLUDING DELAYED RETIREMENT CREDIT FOR ANY MONTH TO WHICH A NONPAYMENT OF BENEFITS PENALTY APPLIES.—Section 202(w)(2)(B) of such Act (42 U.S.C. 402(w)(2)(B)) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting '', and''; and

(3) by adding at the end the following:

''(iii) such individual was not subject to a penalty imposed under section 1129A.''.

(c) ELIMINATION OF REDUNDANT PROVISION.—Section 1611(e) of such Act (42 U.S.C. 1382(e)) is amended—

(1) by striking paragraph (4);

(2) in paragraph (6)(A)(i), by striking ''(5)'' and inserting ''(4)''; and

(3) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(d) REGULATIONS.—Within 6 months after the date of the enactment of this Act, the Commissioner of Social Security shall develop regulations that prescribe the administrative process for making determinations under section 1129A of the Social Security Act (including when the applicable period in subsection (c) of such section shall commence), and shall provide guidance on the exercise of discretion as to whether the penalty should be imposed in particular cases.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to statements and representations made on or after the date of the enactment of this Act.

SEC. 208. EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act is amended by inserting before section 1137 (42 U.S.C. 1320b–7) the following:

''EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS

''SEC. 1136. (a) IN GENERAL.—The Commissioner of Social Security shall exclude from participation in the social security programs any representative or health care provider—

''(1) who is convicted of a violation of section 208 or 1632 of this Act;

''(2) who is convicted of any violation under title 18, United States Code, relating to an initial application for or continuing entitlement to, or amount of, benefits under title II of this Act, or an initial application for or continuing eligibility for, or amount of, benefits under title XVI of this Act; or

''(3) who the Commissioner determines has committed an offense described in section 1129(a)(1) of this Act.

''(b) NOTICE, EFFECTIVE DATE, AND PERIOD OF EXCLUSION.—(1) An exclusion under this section shall be effective at such time, for such period, and upon such reasonable notice to the public and to the individual excluded as may be specified in regulations consistent with paragraph (2).

''(2) Such an exclusion shall be effective with respect to services furnished to any individual on or after the effective date of the exclusion. Nothing in this section may be construed to preclude, in determining disability under title II or title XVI, consideration of any medical evidence derived from services provided by a health care provider before the effective date of the exclusion of the health care provider under this section.

''(3)(A) The Commissioner shall specify, in the notice of exclusion under paragraph (1), the period of the exclusion.

''(B) Subject to subparagraph (C), in the case of an exclusion under subsection (a), the minimum period of exclusion shall be five years, except that the Commissioner may waive the exclusion in the case of an individual who is the sole source of essential services in a community. The Commissioner's decision whether to waive the exclusion shall not be reviewable.

''(C) In the case of an exclusion of an individual under subsection (a) based on a conviction or a determination described in subsection (a)(3) occurring on or after the date

of the enactment of this section, if the individual has (before, on, or after such date of the enactment) been convicted, or if such a determination has been made with respect to the individual—

''(i) on one previous occasion of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be not less than 10 years; or

''(ii) on two or more previous occasions of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be permanent.

''(c) NOTICE TO STATE AGENCIES.—The Commissioner shall promptly notify each appropriate State agency employed for the purpose of making disability determinations under section 221 or 1633(a)—

''(1) of the fact and circumstances of each exclusion effected against an individual under this section; and

''(2) of the period (described in subsection (b)(3)) for which the State agency is directed to exclude the individual from participation in the activities of the State agency in the course of its employment.

''(d) NOTICE TO STATE LICENSING AGENCIES.—The Commissioner shall—

''(1) promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of an individual excluded from participation under this section of the fact and circumstances of the exclusion;

''(2) request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy; and

''(3) request that the State or local agency or authority keep the Commissioner and the Inspector General of the Social Security Administration fully and currently informed with respect to any actions taken in response to the request.

''(e) NOTICE, HEARING, AND JUDICIAL REVIEW.—(1) Any individual who is excluded (or directed to be excluded) from participation under this section is entitled to reasonable notice and opportunity for a hearing thereon by the Commissioner to the same extent as is provided in section 205(b), and to judicial review of the Commissioner's final decision after such hearing as is provided in section 205(g).

''(2) The provisions of section 205(h) shall apply with respect to this section to the same extent as it is applicable with respect to title II.

''(f) APPLICATION FOR TERMINATION OF EXCLUSION.—(1) An individual excluded from participation under this section may apply to the Commissioner, in the manner specified by the Commissioner in regulations and at the end of the minimum period of exclusion provided under subsection (b)(3) and at such other times as the Commissioner may provide, for termination of the exclusion effected under this section.

''(2) The Commissioner may terminate the exclusion if the Commissioner determines, on the basis of the conduct of the applicant which occurred after the date of the notice of exclusion or which was unknown to the Commissioner at the time of the exclusion, that—

''(A) there is no basis under subsection (a) for a continuation of the exclusion; and

''(B) there are reasonable assurances that the types of actions which formed the basis for the original exclusion have not recurred and will not recur.

''(3) The Commissioner shall promptly notify each State agency employed for the purpose of making disability determinations under section 221 or 1633(a) of the fact and circumstances of each termination of exclusion made under this subsection.

''(g) AVAILABILITY OF RECORDS OF EXCLUDED REPRESENTATIVES AND HEALTH CARE PROVIDERS.—Nothing in this section shall be construed to have the effect of limiting access by any applicant or beneficiary under title II or XVI, any State agency acting under section 221 or 1633(a), or the Commissioner to records maintained by any representative or health care provider in connection with services provided to the applicant or beneficiary prior to the exclusion of such representative or health care provider under this section.

''(h) REPORTING REQUIREMENT.—Any representative or health care provider participating in, or seeking to participate in, a social security program shall inform the Commissioner, in such form and manner as the Commissioner shall prescribe by regulation, whether such representative or health care provider has been convicted of a violation described in subsection (a).

''(i) DELEGATION OF AUTHORITY.—The Commissioner may delegate authority granted by this section to the Inspector General.

''(j) DEFINITIONS.—For purposes of this section:

''(1) EXCLUDE.—The term 'exclude' from participation means—

''(A) in connection with a representative, to prohibit from engaging in representation of an applicant for, or recipient of, benefits, as a representative payee under section 205(j) or section 1631(a)(2)(A)(ii), or otherwise as a representative, in any hearing or other proceeding relating to entitlement to benefits; and

''(B) in connection with a health care provider, to prohibit from providing items or services to an applicant for, or recipient of, benefits for the purpose of assisting such applicant or recipient in demonstrating disability.

''(2) SOCIAL SECURITY PROGRAM.—The term 'social security programs' means the program providing for monthly insurance benefits under title II, and the program providing for monthly supplemental security income benefits to individuals under title XVI (including State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66).

''(3) CONVICTED.—An individual is considered to have been 'convicted' of a violation—

''(A) when a judgment of conviction has been entered against the individual by a Federal, State, or local court, except if the judgment of conviction has been set aside or expunged;

''(B) when there has been a finding of guilt against the individual by a Federal, State, or local court;

''(C) when a plea of guilty or nolo contendere by the individual has been accepted by a Federal, State, or local court; or

''(D) when the individual has entered into participation in a first offender, deferred adjudication, or other arrangement or program where judgment of conviction has been withheld.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to convictions of violations described in paragraphs (1) and (2) of section 1136(a) of the Social Security Act and determinations described in paragraph (3) of such section occurring on or after the date of the enactment of this Act.

SEC. 209. STATE DATA EXCHANGES.

Whenever the Commissioner of Social Security requests information from a State for the purpose of ascertaining an individual's eligibility for benefits (or the correct amount of such benefits) under title II or XVI of the Social Security Act, the standards of the Commissioner promulgated pursuant to section 1106 of such Act or any other Federal law for the use, safeguarding, and disclosure of information are deemed to meet any standards of the State that would otherwise apply to the disclosure of information by the State to the Commissioner.

SEC. 210. STUDY ON POSSIBLE MEASURES TO IMPROVE FRAUD PREVENTION AND ADMINISTRATIVE PROCESSING.

(a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration and the Attorney General, shall conduct a study of possible measures to improve—

(1) prevention of fraud on the part of individuals entitled to disability benefits under section 223 of the Social Security Act or benefits under section 202 of such Act based on the beneficiary's disability, individuals eligible for supplemental security income benefits under title XVI of such Act, and applicants for any such benefits; and

(2) timely processing of reported income changes by individuals receiving such benefits.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report that contains the results of the Commissioner's study under subsection (a). The report shall contain such recommendations for legislative and administrative changes as the Commissioner considers appropriate.

SEC. 211. ANNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.

(a) IN GENERAL.—Section 704(b)(1) of the Social Security Act (42 U.S.C. 904(b)(1)) is amended—

(1) by inserting ''(A)'' after ''(b)(1)''; and

(2) by adding at the end the following new subparagraph:

''(B) The Commissioner shall include in the annual budget prepared pursuant to subparagraph (A) an itemization of the amount of funds required by the Social Security Administration for the fiscal year covered by the budget to support efforts to combat fraud committed by applicants and beneficiaries.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annual budgets prepared for fiscal years after fiscal year 1999.

SEC. 212. COMPUTER MATCHES WITH MEDICARE AND MEDICAID INSTITUTIONALIZATION DATA.

(a) IN GENERAL.—Section 1611(e)(1) of the Social Security Act (42 U.S.C. 1382(e)(1)) is amended by adding at the end the following:

''(J) For the purpose of carrying out this paragraph, the Commissioner of Social Security shall conduct periodic computer matches with data maintained by the Secretary of Health and Human Services under title XVIII or XIX. The Secretary shall furnish to the Commissioner, in such form and manner and under such terms as the Commissioner and the Secretary shall mutually agree, such information as the Commissioner may request for this purpose. Information obtained pursuant to such a match may be substituted for the physician's certification otherwise required under subparagraph (G)(i).''.

(b) CONFORMING AMENDMENT.—Section 1611(e)(1)(G) of such Act (42 U.S.C. 1382(e)(1)(G)) is amended by striking ''subparagraph (H)'' and inserting ''subparagraph (H) or (J)''.

SEC. 213. ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.

Section 1631(e)(1)(B) of the Social Security Act (42 U.S.C. 1383(e)(1)(B)) is amended—

(1) by striking ''(B) The'' and inserting ''(B)(i) The''; and

(2) by adding at the end the following new clause:

''(ii)(I) The Commissioner of Social Security may require each applicant for, or recipient of, benefits under this title to provide authorization by the applicant or recipient (or by any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) for the Commissioner to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (or any such other person) whenever the Commissioner determines the record is needed in connection with a determination with respect to such eligibility or the amount of such benefits.

''(II) Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided by an applicant or recipient (or any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient) pursuant to subclause (I) of this clause shall remain effective until the earliest of—

''(aa) the rendering of a final adverse decision on the applicant's application for eligibility for benefits under this title;

''(bb) the cessation of the recipient's eligibility for benefits under this title; or

''(cc) the express revocation by the applicant or recipient (or such other person referred to in subclause (I)) of the authorization, in a written notification to the Commissioner.

''(III)(aa) An authorization obtained by the Commissioner of Social Security pursuant to this clause shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

''(bb) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the Commissioner of Social Security pursuant to an authorization provided under this clause.

''(cc) A request by the Commissioner pursuant to an authorization provided under this clause is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and the flush language of section 1102 of such Act.

''(IV) The Commissioner shall inform any person who provides authorization pursuant to this clause of the duration and scope of the authorization.

''(V) If an applicant for, or recipient of, benefits under this title (or any such other person referred to in subclause (I)) refuses to provide, or revokes, any authorization made by the applicant or recipient for the Commissioner of Social Security to obtain from any financial institution any financial record, the Commissioner may, on that basis, determine that the applicant or recipient is ineligible for benefits under this title.''.

Subtitle B—Benefits For Certain World War II Veterans

SEC. 251. ESTABLISHMENT OF PROGRAM OF SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS.

(a) IN GENERAL.—The Social Security Act is amended by inserting after title VII the following new title:

''TITLE VIII—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS

''TABLE OF CONTENTS

''Sec. 801. Basic entitlement to benefits.
''Sec. 802. Qualified individuals.
''Sec. 803. Residence outside the United States.
''Sec. 804. Disqualifications.
''Sec. 805. Benefit amount.
''Sec. 806. Applications and furnishing of information.
''Sec. 807. Representative payees.
''Sec. 808. Overpayments and underpayments.
''Sec. 809. Hearings and review.
''Sec. 810. Other administrative provisions.
''Sec. 811. Penalties for fraud.
''Sec. 812. Definitions.
''Sec. 813. Appropriations.

''SEC. 801. BASIC ENTITLEMENT TO BENEFITS.

''Every individual who is a qualified individual under section 802 shall, in accordance with and subject to the provisions of this title, be entitled to a monthly benefit paid by the Commissioner of Social Security for each month after September 2000 (or such earlier month, if the Commissioner determines is administratively feasible) the individual resides outside the United States.

''SEC. 802. QUALIFIED INDIVIDUALS.

''Except as otherwise provided in this title, an individual—

''(1) who has attained the age of 65 on or before the date of the enactment of this title;

''(2) who is a World War II veteran;

''(3) who is eligible for a supplemental security income benefit under title XVI for—

''(A) the month in which this title is enacted; and

''(B) the month in which the individual files an application for benefits under this title;

''(4) whose total benefit income is less than 75 percent of the Federal benefit rate under title XVI;

''(5) who has filed an application for benefits under this title; and

''(6) who is in compliance with all requirements imposed by the Commissioner of Social Security under this title,

shall be a qualified individual for purposes of this title.

''SEC. 803. RESIDENCE OUTSIDE THE UNITED STATES.

''For purposes of section 801, with respect to any month, an individual shall be regarded as residing outside the United States if, on the first day of the month, the individual so resides outside the United States.

''SEC. 804. DISQUALIFICATIONS.

''(a) IN GENERAL.—Notwithstanding section 802, an individual may not be a qualified individual for any month—

''(1) that begins after the month in which the Commissioner of Social Security is notified by the Attorney General that the individual has been removed from the United States pursuant to section 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act and before the month in which the individual is lawfully admitted to the United States for permanent residence;

''(2) during any part of which the individual is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the United States or the jurisdiction within the United States from which the person has fled, for a crime, or an attempt to commit a crime, that is a felony under the laws of the place from which the individual has fled, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State;

''(3) during any part of which the individual violates a condition of probation or parole imposed under Federal or State law; or

''(4) during which the individual resides in a foreign country and is not a citizen or national of the United States if payments for such month to individuals residing in such country are withheld by the Treasury Department under section 3329 of title 31, United States Code.

''(b) REQUIREMENT FOR ATTORNEY GENERAL.—For the purpose of carrying out subsection (a)(1), the Attorney General shall notify the Commissioner of Social Security as soon as practicable after the removal of any individual under section 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act.

''SEC. 805. BENEFIT AMOUNT.

''The benefit under this title payable to a qualified individual for any month shall be in an amount equal to 75 percent of the Federal benefit rate under title XVI for the month, reduced by the amount of the qualified individual's benefit income for the month.

''SEC. 806. APPLICATIONS AND FURNISHING OF INFORMATION.

''(a) IN GENERAL.—The Commissioner of Social Security shall, subject to subsection (b), prescribe such requirements with respect to the filing of applications, the furnishing of information and other material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this title.

''(b) VERIFICATION REQUIREMENT.—The requirements prescribed by the Commissioner of Social Security under subsection (a) shall preclude any determination of entitlement to benefits under this title solely on the basis of declarations by the individual concerning qualifications or other material facts, and shall provide for verification of material information from independent or collateral sources, and the procurement of additional information as necessary in order to ensure that the benefits are provided only to qualified individuals (or their representative payees) in correct amounts.

''SEC. 807. REPRESENTATIVE PAYEES.

''(a) IN GENERAL.—If the Commissioner of Social Security determines that the interest of any qualified individual under this title would be served thereby, payment of the qualified individual's benefit under this title may be made, regardless of the legal competency or incompetency of the qualified individual, either directly to the qualified individual, or for his or her benefit, to another person (the meaning of which term, for purposes of this section, includes an organization) with respect to whom the requirements of subsection (b) have been met (in this section referred to as the qualified individual's 'representative payee'). If the Commissioner of Social Security determines that a representative payee has misused any benefit paid to the representative payee pursuant to this section, section 205(j), or section 1631(a)(2), the Commissioner of Social Security shall promptly revoke the person's designation as the qualified individual's representative payee under this subsection, and shall make payment to an alternative representative payee or, if the interest of the qualified individual under this title would be served thereby, to the qualified individual.

''(b) EXAMINATION OF FITNESS OF PROSPECTIVE REPRESENTATIVE PAYEE.—

''(1) Any determination under subsection (a) to pay the benefits of a qualified individual to a representative payee shall be made on the basis of—

''(A) an investigation by the Commissioner of Social Security of the person to serve as representative payee, which shall be conducted in advance of the determination and shall, to the extent practicable, include a face-to-face interview with the person (or, in the case of an organization, a representative of the organization); and

''(B) adequate evidence that the arrangement is in the interest of the qualified individual.

''(2) As part of the investigation referred to in paragraph (1), the Commissioner of Social Security shall—

''(A) require the person being investigated to submit documented proof of the identity of the person;

''(B) in the case of a person who has a social security account number issued for purposes of the program under title II or an employer identification number issued for purposes of the Internal Revenue Code of 1986, verify the number;

''(C) determine whether the person has been convicted of a violation of section 208, 811, or 1632; and

''(D) determine whether payment of benefits to the person in the capacity as representative payee has been revoked or terminated pursuant to this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or XVI, respectively.

''(c) REQUIREMENT FOR MAINTAINING LISTS OF UNDESIRABLE PAYEES.—The Commissioner of Social Security shall establish and maintain lists which shall be updated periodically and which shall be in a form that renders such lists available to the servicing offices of the Social Security Administration. The lists shall consist of—

''(1) the names and (if issued) social security account numbers or employer identification numbers of all persons with respect to whom, in the capacity of representative payee, the payment of benefits has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or XVI, respectively; and

''(2) the names and (if issued) social security account numbers or employer identification numbers of all persons who have been convicted of a violation of section 208, 811, or 1632.

''(d) PERSONS INELIGIBLE TO SERVE AS REPRESENTATIVE PAYEES.—

''(1) IN GENERAL.—The benefits of a qualified individual may not be paid to any other person pursuant to this section if—

''(A) the person has been convicted of a violation of section 208, 811, or 1632;

''(B) except as provided in paragraph (2), payment of benefits to the person in the capacity of representative payee has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(ii) by reason of misuse of funds paid as benefits under this title, title II, or title XVI, respectively; or

''(C) except as provided in paragraph (2)(B), the person is a creditor of the qualified individual and provides the qualified individual with goods or services for consideration.

''(2) EXEMPTIONS.—

''(A) The Commissioner of Social Security may prescribe circumstances under which the Commissioner of Social Security may grant an exemption from paragraph (1) to any person on a case-by-case basis if the exemption is in the best interest of the qualified individual whose benefits would be paid to the person pursuant to this section.

''(B) Paragraph (1)(C) shall not apply with respect to any person who is a creditor referred to in such paragraph if the creditor is—

''(i) a relative of the qualified individual and the relative resides in the same household as the qualified individual;

''(ii) a legal guardian or legal representative of the individual;

''(iii) a facility that is licensed or certified as a care facility under the law of the political jurisdiction in which the qualified individual resides;

''(iv) a person who is an administrator, owner, or employee of a facility referred to in clause (iii), if the qualified individual resides in the facility, and the payment to the facility or the person is made only after the Commissioner of Social Security has made a good faith effort to locate an alternative representative payee to whom payment would serve the best interests of the qualified individual; or

''(v) a person who is determined by the Commissioner of Social Security, on the basis of written findings and pursuant to procedures prescribed by the Commissioner of Social Security, to be acceptable to serve as a representative payee.

''(C) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

''(i) the person poses no risk to the qualified individual;

''(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

''(iii) no other more suitable representative payee can be found.

''(e) DEFERRAL OF PAYMENT PENDING APPOINTMENT OF REPRESENTATIVE PAYEE.—

''(1) IN GENERAL.—Subject to paragraph (2), if the Commissioner of Social Security makes a determination described in the first sentence of subsection (a) with respect to any qualified individual's benefit and determines that direct payment of the benefit to the qualified individual would cause substantial harm to the qualified individual, the Commissioner of Social Security may defer (in the case of initial entitlement) or suspend (in the case of existing entitlement) direct payment of the benefit to the qualified individual, until such time as the selection of a representative payee is made pursuant to this section.

''(2) TIME LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any deferral or suspension of direct payment of a benefit pursuant to paragraph (1) shall be for a period of not more than 1 month.

''(B) EXCEPTION IN THE CASE OF INCOMPETENCY.—Subparagraph (A) shall not apply in any case in which the qualified individual is, as of the date of the Commissioner of Social Security's determination, legally incompetent under the laws of the jurisdiction in which the individual resides.

''(3) PAYMENT OF RETROACTIVE BENEFITS.—Payment of any benefits which are deferred or suspended pending the selection of a representative payee shall be made to the qualified individual or the representative payee as a single sum or over such period of time as the Commissioner of Social Security determines is in the best interest of the qualified individual.

''(f) HEARING.—Any qualified individual who is dissatisfied with a determination by the Commissioner of Social Security to make payment of the qualified individual's benefit to a representative payee under subsection (a) of this section or with the designation of a particular person to serve as representative payee shall be entitled to a hearing by the Commissioner of Social Security to the same extent as is provided in section 809(a), and to judicial review of the Commissioner of Social Security's final decision as is provided in section 809(b).

''(g) NOTICE REQUIREMENTS.—

''(1) IN GENERAL.—In advance, to the extent practicable, of the payment of a qualified individual's benefit to a representative payee under subsection (a), the Commissioner of Social Security shall provide written notice of the Commissioner's initial determination to so make the payment. The notice shall be provided to the qualified individual, except that, if the qualified individual is legally incompetent, then the notice shall be provided solely to the legal guardian or legal representative of the qualified individual.

''(2) SPECIFIC REQUIREMENTS.—Any notice required by paragraph (1) shall be clearly written in language that is easily understandable to the reader, shall identify the person to be designated as the qualified individual's representative payee, and shall explain to the reader the right under subsection (f) of the qualified individual or of the qualified individual's legal guardian or legal representative—

''(A) to appeal a determination that a representative payee is necessary for the qualified individual;

''(B) to appeal the designation of a particular person to serve as the representative payee of the qualified individual; and

''(C) to review the evidence upon which the designation is based and to submit additional evidence.

''(h) ACCOUNTABILITY MONITORING.—

''(1) IN GENERAL.—In any case where payment under this title is made to a person other than the qualified individual entitled to the payment, the Commissioner of Social Security shall establish a system of accountability monitoring under which the person shall report not less often than annually with respect to the use of the payments. The Commissioner of Social Security shall establish and implement statistically valid procedures for reviewing the reports in order to identify instances in which persons are not properly using the payments.

''(2) SPECIAL REPORTS.—Notwithstanding paragraph (1), the Commissioner of Social Security may require a report at any time from any person receiving payments on behalf of a qualified individual, if the Commissioner of Social Security has reason to believe that the person receiving the payments is misusing the payments.

''(3) MAINTAINING LISTS OF PAYEES.—The Commissioner of Social Security shall maintain lists which shall be updated periodically of—

''(A) the name, address, and (if issued) the social security account number or employer identification number of each representative payee who is receiving benefit payments pursuant to this section, section 205(j), or section 1631(a)(2); and

''(B) the name, address, and social security account number of each individual for whom each representative payee is reported to be providing services as representative payee pursuant to this section, section 205(j), or section 1631(a)(2).

''(4) MAINTAINING LISTS OF AGENCIES.—The Commissioner of Social Security shall maintain lists, which shall be updated periodically, of public agencies and community-based nonprofit social service agencies which are qualified to serve as representative payees pursuant to this section and which are located in the jurisdiction in which any qualified individual resides.

''(i) RESTITUTION.—In any case where the negligent failure of the Commissioner of Social Security to investigate or monitor a representative payee results in misuse of benefits by the representative payee, the Commissioner of Social Security shall make payment to the qualified individual or the individual's alternative representative payee of an amount equal to the misused benefits. The Commissioner of Social Security shall make a good faith effort to obtain restitution from the terminated representative payee.

''SEC. 808. OVERPAYMENTS AND UNDERPAYMENTS.

''(a) IN GENERAL.—Whenever the Commissioner of Social Security finds that more or less than the correct amount of payment has been made to any person under this title,

proper adjustment or recovery shall be made, as follows:

''(1) With respect to payment to a person of more than the correct amount, the Commissioner of Social Security shall decrease any payment—

''(A) under this title to which the overpaid person (if a qualified individual) is entitled, or shall require the overpaid person or his or her estate to refund the amount in excess of the correct amount, or, if recovery is not obtained under these 2 methods, shall seek or pursue recovery by means of reduction in tax refunds based on notice to the Secretary of the Treasury, as authorized under section 3720A of title 31, United States Code; or

''(B) under title II to recover the amount in excess of the correct amount, if the person is not currently eligible for payment under this title.

''(2) With respect to payment of less than the correct amount to a qualified individual who, at the time the Commissioner of Social Security is prepared to take action with respect to the underpayment—

''(A) is living, the Commissioner of Social Security shall make payment to the qualified individual (or the qualified individual's representative payee designated under section 807) of the balance of the amount due the underpaid qualified individual; or

''(B) is deceased, the balance of the amount due shall revert to the general fund of the Treasury.

''(b) NO EFFECT ON TITLE VIII ELIGIBILITY OR BENEFIT AMOUNT.—In any case in which the Commissioner of Social Security takes action in accordance with subsection (a)(1)(B) to recover an amount incorrectly paid to an individual, that individual shall not, as a result of such action—

''(1) become qualified for benefits under this title; or

''(2) if such individual is otherwise so qualified, become qualified for increased benefits under this title.

''(c) WAIVER OF RECOVERY OF OVERPAYMENT.—In any case in which more than the correct amount of payment has been made, there shall be no adjustment of payments to, or recovery by the United States from, any person who is without fault if the Commissioner of Social Security determines that the adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

''(d) LIMITED IMMUNITY FOR DISBURSING OFFICERS.—A disbursing officer may not be held liable for any amount paid by the officer if the adjustment or recovery of the amount is waived under subsection (b), or adjustment under subsection (a) is not completed before the death of the qualified individual against whose benefits deductions are authorized.

''(e) AUTHORIZED COLLECTION PRACTICES.—

''(1) IN GENERAL.—With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(e), 3716, and 3718 of title 31, United States Code, as in effect on October 1, 1994.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'delinquent amount' means an amount—

''(A) in excess of the correct amount of the payment under this title; and

''(B) determined by the Commissioner of Social Security to be otherwise unrecoverable under this section from a person who is not a qualified individual under this title.

''SEC. 809. HEARINGS AND REVIEW.

''(a) HEARINGS.—

''(1) IN GENERAL.—The Commissioner of Social Security shall make findings of fact and decisions as to the rights of any individual applying for payment under this title. The Commissioner of Social Security shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be a qualified individual and is in disagreement with any determination under this title with respect to entitlement to, or the amount of, benefits under this title, if the individual requests a hearing on the matter in disagreement within 60 days after notice of the determination is received, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing affirm, modify, or reverse the Commissioner of Social Security's findings of fact and the decision. The Commissioner of Social Security may, on the Commissioner of Social Security's own motion, hold such hearings and conduct such investigations and other proceedings as the Commissioner of Social Security deems necessary or proper for the administration of this title. In the course of any hearing, investigation, or other proceeding, the Commissioner may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Commissioner of Social Security even though inadmissible under the rules of evidence applicable to court procedure. The Commissioner of Social Security shall specifically take into account any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining, with respect to the entitlement of the individual for benefits under this title, whether the individual acted in good faith or was at fault, and in determining fraud, deception, or intent.

''(2) EFFECT OF FAILURE TO TIMELY REQUEST REVIEW.—A failure to timely request review of an initial adverse determination with respect to an application for any payment under this title or an adverse determination on reconsideration of such an initial determination shall not serve as a basis for denial of a subsequent application for any payment under this title if the applicant demonstrates that the applicant failed to so request such a review acting in good faith reliance upon incorrect, incomplete, or misleading information, relating to the consequences of reapplying for payments in lieu of seeking review of an adverse determination, provided by any officer or employee of the Social Security Administration.

''(3) NOTICE REQUIREMENTS.—In any notice of an adverse determination with respect to which a review may be requested under paragraph (1), the Commissioner of Social Security shall describe in clear and specific language the effect on possible entitlement to benefits under this title of choosing to reapply in lieu of requesting review of the determination.

''(b) JUDICIAL REVIEW.—The final determination of the Commissioner of Social Security after a hearing under subsection (a)(1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Commissioner of Social Security's final determinations under section 205.

''SEC. 810. OTHER ADMINISTRATIVE PROVISIONS.

''(a) REGULATIONS AND ADMINISTRATIVE ARRANGEMENTS.—The Commissioner of Social Security may prescribe such regulations, and make such administrative and other arrangements, as may be necessary or appropriate to carry out this title.

''(b) PAYMENT OF BENEFITS.—Benefits under this title shall be paid at such time or times and in such installments as the Commissioner of Social Security determines are in the interests of economy and efficiency.

''(c) ENTITLEMENT REDETERMINATIONS.—An individual's entitlement to benefits under this title, and the amount of the benefits, may be redetermined at such time or times as the Commissioner of Social Security determines to be appropriate.

''(d) SUSPENSION AND TERMINATION OF BENEFITS.—Regulations prescribed by the Commissioner of Social Security under subsection (a) may provide for the suspension and termination of entitlement to benefits under this title as the Commissioner determines is appropriate.

''SEC. 811. PENALTIES FOR FRAUD.

''(a) IN GENERAL.—Whoever—

''(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in an application for benefits under this title;

''(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining any right to the benefits;

''(3) having knowledge of the occurrence of any event affecting—

''(A) his or her initial or continued right to the benefits; or

''(B) the initial or continued right to the benefits of any other individual in whose behalf he or she has applied for or is receiving the benefit,

conceals or fails to disclose the event with an intent fraudulently to secure the benefit either in a greater amount or quantity than is due or when no such benefit is authorized; or

''(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts the benefit or any part thereof to a use other than for the use and benefit of the other individual,

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

''(b) RESTITUTION BY REPRESENTATIVE PAYEE.—If a person or organization violates subsection (a) in the person's or organization's role as, or in applying to become, a representative payee under section 807 on behalf of a qualified individual, and the violation includes a willful misuse of funds by the person or entity, the court may also require that full or partial restitution of funds be made to the qualified individual.

''SEC. 812. DEFINITIONS.

''In this title:

''(1) WORLD WAR II VETERAN.—The term 'World War II veteran' means a person who—

''(A) served during World War II—

''(i) in the active military, naval, or air service of the United States during World War II; or

''(ii) in the organized military forces of the Government of the Commonwealth of the Philippines, while the forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among the military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, in any case in which the service was rendered before December 31, 1946; and

''(B) was discharged or released therefrom under conditions other than dishonorable—

''(i) after service of 90 days or more; or

''(ii) because of a disability or injury incurred or aggravated in the line of active duty.

''(2) WORLD WAR II.—The term 'World War II' means the period beginning on September 16, 1940, and ending on July 24, 1947.

''(3) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term 'supplemental security income benefit under title XVI', except as otherwise provided, includes State supplementary payments which are paid by the Commissioner of Social Security pursuant to an agreement under section

1616(a) of this Act or section 212(b) of Public Law 93–66.

''(4) FEDERAL BENEFIT RATE UNDER TITLE XVI.—The term 'Federal benefit rate under title XVI' means, with respect to any month, the amount of the supplemental security income cash benefit (not including any State supplementary payment which is paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66) payable under title XVI for the month to an eligible individual with no income.

''(5) UNITED STATES.—The term 'United States' means, notwithstanding section 1101(a)(1), only the 50 States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands.

''(6) BENEFIT INCOME.—The term 'benefit income' means any recurring payment received by a qualified individual as an annuity, pension, retirement, or disability benefit (including any veterans' compensation or pension, workmen's compensation payment, old-age, survivors, or disability insurance benefit, railroad retirement annuity or pension, and unemployment insurance benefit), but only if a similar payment was received by the individual from the same (or a related) source during the 12-month period preceding the month in which the individual files an application for benefits under this title.

''SEC. 813. APPROPRIATIONS.

''There are hereby appropriated for fiscal year 2000 and subsequent fiscal years, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this title.''.

(b) CONFORMING AMENDMENTS.—

(1) SOCIAL SECURITY TRUST FUNDS LAE ACCOUNT.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(A) in the fourth sentence of paragraph (1)(A), by inserting after ''this title,'' the following: ''title VIII,'';

(B) in paragraph (1)(B)(i)(I), by inserting after ''this title,'' the following: ''title VIII,''; and

(C) in paragraph (1)(C)(i), by inserting after ''this title,'' the following: ''title VIII,''.

(2) REPRESENTATIVE PAYEE PROVISIONS OF TITLE II.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (1)(A), by inserting ''807 or'' before ''1631(a)(2)'';

(B) in paragraph (2)(B)(i)(I), by inserting '', title VIII,'' before ''or title XVI'';

(C) in paragraph (2)(B)(i)(III), by inserting '', 811,'' before ''or 1632'';

(D) in paragraph (2)(B)(i)(IV)—

(i) by inserting '', the designation of such person as a representative payee has been revoked pursuant to section 807(a),'' before ''or payment of benefits''; and

(ii) by inserting '', title VIII,'' before ''or title XVI'';

(E) in paragraph (2)(B)(ii)(I)—

(i) by inserting ''whose designation as a representative payee has been revoked pursuant to section 807(a),'' before ''or with respect to whom''; and

(ii) by inserting '', title VIII,'' before ''or title XVI'';

(F) in paragraph (2)(B)(ii)(II), by inserting '', 811,'' before ''or 1632'';

(G) in paragraph (2)(C)(i)(II), by inserting '', the designation of such person as a representative payee has been revoked pursuant to section 807(a),'' before ''or payment of benefits'';

(H) in each of clauses (i) and (ii) of paragraph (3)(E), by inserting '', section 807,'' before ''or section 1631(a)(2)'';

(I) in paragraph (3)(F), by inserting ''807 or'' before ''1631(a)(2)''; and

(J) in paragraph (4)(B)(i), by inserting ''807 or'' before ''1631(a)(2)''.

(3) WITHHOLDING FOR CHILD SUPPORT AND ALIMONY OBLIGATIONS.—Section 459(h)(1)(A) of such Act (42 U.S.C. 659(h)(1)(A)) is amended—

(A) at the end of clause (iii), by striking ''and'';

(B) at the end of clause (iv), by striking ''but'' and inserting ''and''; and

(C) by adding at the end a new clause as follows:

''(v) special benefits for certain World War II veterans payable under title VIII; but''.

(4) SOCIAL SECURITY ADVISORY BOARD.—Section 703(b) of such Act (42 U.S.C. 903(b)) is amended by striking ''title II'' and inserting ''title II, the program of special benefits for certain World War II veterans under title VIII,''.

(5) DELIVERY OF CHECKS.—Section 708 of such Act (42 U.S.C. 908) is amended—

(A) in subsection (a), by striking ''title II'' and inserting ''title II, title VIII,''; and

(B) in subsection (b), by striking ''title II'' and inserting ''title II, title VIII,''.

(6) CIVIL MONETARY PENALTIES.—Section 1129 of such Act (42 U.S.C. 1320a–8) is amended—

(A) in the title, by striking ''II'' and inserting ''II, VIII'';

(B) in subsection (a)(1)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following new subparagraph:

''(B) benefits or payments under title VIII, or'';

(C) in subsection (a)(2), by inserting ''or title VIII,'' after ''title II'';

(D) in subsection (e)(1)(C)—

(i) by striking ''or'' at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following new clause:

''(ii) by decrease of any payment under title VIII to which the person is entitled, or'';

(E) in subsection (e)(2)(B), by striking ''title XVI'' and inserting ''title VIII or XVI''; and

(F) in subsection (l), by striking ''title XVI'' and inserting ''title VIII or XVI''.

(7) RECOVERY OF SSI OVERPAYMENTS.—Section 1147 of such Act (42 U.S.C. 1320b–17) is amended—

(A) in subsection (a)(1)—

(i) by inserting ''or VIII'' after ''title II'' the first place it appears; and

(ii) by striking ''title II'' the second place it appears and inserting ''such title''; and

(B) in the heading, by striking ''SOCIAL SECURITY'' and inserting ''OTHER''.

(8) RECOVERY OF SOCIAL SECURITY OVERPAYMENTS.—Part A of title XI of the Social Security Act is amended by inserting after section 1147 (42 U.S.C. 1320b–17) the following new section:

''RECOVERY OF SOCIAL SECURITY BENEFIT OVERPAYMENTS FROM TITLE VIII BENEFITS

''SEC. 1147A. Whenever the Commissioner of Social Security determines that more than the correct amount of any payment has been made under title II to an individual who is not currently receiving benefits under that title but who is receiving benefits under title VIII, the Commissioner may recover the amount incorrectly paid under title II by decreasing any amount which is payable to the individual under title VIII.''.

(9) REPRESENTATIVE PAYEE PROVISIONS OF TITLE XVI.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (A)(iii), by inserting ''or 807'' after ''205(j)(1)'';

(B) in subparagraph (B)(ii)(I), by inserting '', title VIII,'' before ''or this title'';

(C) in subparagraph (B)(ii)(III), by inserting '', 811,'' before ''or 1632'';

(D) in subparagraph (B)(ii)(IV)—

(i) by inserting ''whether the designation of such person as a representative payee has been revoked pursuant to section 807(a),'' before ''and whether certification''; and

(ii) by inserting '', title VIII,'' before ''or this title'';

(E) in subparagraph (B)(iii)(II), by inserting ''the designation of such person as a representative payee has been revoked pursuant to section 807(a),'' before ''or certification''; and

(F) in subparagraph (D)(ii)(II)(aa), by inserting ''or 807'' after ''205(j)(4)''.

(10) ADMINISTRATIVE OFFSET.—Section 3716(c)(3)(C) of title 31, United States Code, is amended—

(A) by striking ''sections 205(b)(1)'' and inserting ''sections 205(b)(1), 809(a)(1),''; and

(B) by striking ''either title II'' and inserting ''title II, VIII,''.

Subtitle C—Study

SEC. 261. STUDY OF DENIAL OF SSI BENEFITS FOR FAMILY FARMERS.

(a) IN GENERAL.—The Commissioner of Social Security shall conduct a study of the reasons why family farmers with resources of less than $100,000 are denied supplemental security income benefits under title XVI of the Social Security Act, including whether the deeming process unduly burdens and discriminates against family farmers who do not institutionalize a disabled dependent, and shall determine the number of such farmers who have been denied such benefits during each of the preceding 10 years.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains the results of the study, and the determination, required by subsection (a).

TITLE III—CHILD SUPPORT

SEC. 301. NARROWING OF HOLD-HARMLESS PROVISION FOR STATE SHARE OF DISTRIBUTION OF COLLECTED CHILD SUPPORT.

(a) IN GENERAL.—Section 457(d) of the Social Security Act (42 U.S.C. 657(d)) is amended to read as follows:

''(d) HOLD HARMLESS PROVISION.—If—

''(1) the State share of amounts collected in the fiscal year which could be retained to reimburse the State for amounts paid to families as assistance by the State is less than the State share of such amounts collected in fiscal year 1995 (determined in accordance with section 457 as in effect on August 21, 1996); and

''(2)(A) the State has distributed to families that include an adult receiving assistance under the program under part A at least 80 percent of the current support payments collected during the preceding fiscal year on behalf of such families, and the amounts distributed were disregarded in determining the amount or type of assistance provided under the program under part A; or

''(B) the State has distributed to families that formerly received assistance under the program under part A the State share of the amounts collected pursuant to section 464 that could have been retained as reimbursement for assistance paid to such families,

then the State share otherwise determined for the fiscal year shall be increased by an amount equal to ½ of the amount (if any) by which the State share for fiscal year 1995 exceeds the State share for the fiscal year (determined without regard to this subsection).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective

with respect to calendar quarters occurring during the period that begins on October 1, 1998, and ends on September 30, 2001.

(c) REPEAL.—Effective October 1, 2001, section 457 of the Social Security Act (42 U.S.C. 657) is amended—

(1) in subsection (a), by striking ''subsections (e) and (f)'' and inserting ''subsections (d) and (e)'';

(2) by striking subsection (d);

(3) in subsection (e), by striking the second sentence; and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. TECHNICAL CORRECTIONS RELATING TO AMENDMENTS MADE BY THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) Section 402(a)(1)(B)(iv) of the Social Security Act (42 U.S.C. 602(a)(1)(B)(iv)) is amended by striking ''Act'' and inserting ''section''.

(b) Section 409(a)(7)(B)(i)(II) of the Social Security Act (42 U.S.C. 609(a)(7)(B)(i)(II)) is amended by striking ''part'' and inserting ''section''.

(c) Section 413(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking ''Act'' and inserting ''section''.

(d) Section 416 of the Social Security Act (42 U.S.C. 616) is amended by striking ''Opportunity Act'' and inserting ''Opportunity Reconciliation Act'' each place such term appears.

(e) Section 431(a)(6) of the Social Security Act (42 U.S.C. 629a(a)(6))) is amended—

(1) by inserting '', as in effect before August 22, 1986'' after ''482(i)(5)''; and

(2) by inserting '', as so in effect'' after ''482(i)(7)(A)''.

(f) Sections 452(a)(7) and 466(c)(2)(A)(i) of the Social Security Act (42 U.S.C. 652(a)(7) and 666(c)(2)(A)(i)) are each amended by striking ''Social Security'' and inserting ''social security''.

(g) Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) by striking '', or'' at the end of each of paragraphs (6)(E)(i) and (19)(B)(i) and inserting ''; or'';

(2) in paragraph (9), by striking the comma at the end of each of subparagraphs (A), (B), and (C) and inserting a semicolon; and

(3) by striking '', and'' at the end of each of paragraphs (19)(A) and (24)(A) and inserting ''; and''.

(h) Section 454(24)(B) of the Social Security Act (42 U.S.C. 654(24)(B)) is amended by striking ''Opportunity Act'' and inserting ''Opportunity Reconciliation Act''.

(i) Section 344(b)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2236) is amended to read as follows:

''(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

'(B) equal to the percent specified in paragraph (3) of the sums expended during such quarter that are attributable to the planning, design, development, installation or enhancement of an automatic data processing and information retrieval system (including in such sums the full cost of the hardware components of such system); and'; and''.

(j) Section 457(a)(2)(B)(i)(I) of the Social Security Act (42 U.S.C. 657(a)(2)(B)(i)(I)) is amended by striking ''Act Reconciliation'' and inserting ''Reconciliation Act''.

(k) Section 457 of the Social Security Act (42 U.S.C. 657) is amended by striking ''Opportunity Act'' each place it appears and inserting ''Opportunity Reconciliation Act''.

(l) Effective on the date of the enactment of this Act, section 404(e) of the Social Security Act (42 U.S.C. 604(e)) is amended by inserting ''or tribe'' after ''State'' the first and second places it appears, and by inserting ''or tribal'' after ''State'' the third place it appears.

(m) Section 466(a)(7)(A) of the Social Security Act (42 U.S.C. 666(a)(7)(A)) is amended by striking ''1681a(f))'' and inserting ''1681a(f)))''.

(n) Section 466(b)(6)(A) of the Social Security Act (42 U.S.C. 666(b)(6)(A)) is amended by striking ''state'' and inserting ''State''.

(o) Section 471(a)(8) of the Social Security Act (42 U.S.C. 671(a)(8)) is amended by striking ''(including activities under part F)''.

(p) Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by striking ''453A(a)(2)(B)(iii))'' and inserting ''453A(a)(2)(B)(ii)))''.

(q) Except as provided in subsection (l), the amendments made by this section shall take effect as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEALTHCARE RESEARCH AND QUALITY ACT OF 1999

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 580) to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I yield to the gentleman from Virginia (Mr. BLILEY) for an explanation of his unanimous consent request.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

Mr. Speaker, S. 580 reauthorizes and renames the Agency for Healthcare Policy and Research as the agency for Health Research and Quality, AHRQ. It also refocuses the Agency's mission, which is to conduct and support research on the quality, outcomes, cost, and utilization of healthcare services, and access to those services.

The agency will promote quality by sharing information, build public-private partnerships to advance and share quality measures, report annually to Congress on the state of quality in the Nation, support the evaluation of state-of-the-art information systems for healthcare quality, support primary care and access in underserved areas, facilitate innovation in patient care with streamlined assessment of new technologies, coordinate quality improvement efforts to avoid duplication, and facilitate utilization of preventative health services.

The bill also authorizes appropriations for pediatric graduate medical education in children's hospitals. These represent important reforms.

Mr. Speaker, I urge my colleagues to support this request.

Mr. BROWN of Ohio. Mr. Speaker, further reserving my right to object, with that explanation, I want to associate myself with the remarks of the gentleman from Virginia (Mr. BLILEY) to let my colleagues know that I support the adoption of S. 580.

I am particularly pleased because one of the key provisions in this bill is the Graduate Medical Education Funding for children's hospitals. They will receive actual dollars in fiscal year 2000 if this authorization is enacted. We have worked in a bipartisan manner in this bill, and I am glad to see its inclusion.

HCPR is needed to study key health care issues as we go into the next century. These issues include access, cost, quality, and equity in virtually all aspects of the health care system.

The true bipartisanship exhibited by the gentleman from Virginia (Mr. BLILEY), the gentleman from Florida (Mr. BILIRAKIS), his staff, the Senate, particularly the efforts of Senators JEFFORDS, FRIST, KENNEDY, and their staff, especially the efforts of Ellie Dehoney in my office.

Mr. Speaker, I recommend that this bill be adopted by unanimous consent in the House of Representatives.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to support consideration of S. 580, the Healthcare Research and Quality Act of 1999 by the House today. I introduced H.R. 2506 in the House on September 14, 1999. Following approval by my Subcommittee and the full Commerce Committee, the House voted overwhelmingly to pass H.R. 2506 on September 28, 1999.

Late last week, the Senate passed S. 580 by unanimous consent. The bill before us today represents a bipartisan agreement between the House and Senate authorizing committees on a compromise version of the bills previously approved by each body. This widely supported, bipartisan measure is critical to improving the quality of health care in this country. The ''Healthcare Research and Quality Act of 1999'' will significantly increase health care research and science-based evidence to improve the quality of patient care.

S. 580 reauthorizes the Agency for Health Care Policy and Research (AHCPR) for fiscal years 2000–2005, renames it as the ''Agency for Healthcare Research and Quality,'' and refocuses the agency's mission to become a focal point, and partner to the private sector, in supporting of health care research and quality improvement activities.

Equally important, the bill authorizes critical funding for our nation's children's hospitals. I was pleased to support the adoption of these provisions when this bill was previously considered by the House. Passage of this legislation today is an important step in ensuring that America's children's hospitals receive the resources that they need.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 580

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 ''Healthcare Research and Quality Act of 1999''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended to read as follows:

''TITLE IX—AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

''PART A—ESTABLISHMENT AND GENERAL DUTIES

''SEC. 901. MISSION AND DUTIES.

''(a) IN GENERAL.—There is established within the Public Health Service an agency to be known as the Agency for Healthcare Research and Quality, which shall be headed by a director appointed by the Secretary. The Secretary shall carry out this title acting through the Director.

''(b) MISSION.—The purpose of the Agency is to enhance the quality, appropriateness, and effectiveness of health services, and access to such services, through the establishment of a broad base of scientific research and through the promotion of improvements in clinical and health system practices, including the prevention of diseases and other health conditions. The Agency shall promote health care quality improvement by conducting and supporting—

''(1) research that develops and presents scientific evidence regarding all aspects of health care, including—

''(A) the development and assessment of methods for enhancing patient participation in their own care and for facilitating shared patient-physician decision-making;

''(B) the outcomes, effectiveness, and cost-effectiveness of health care practices, including preventive measures and long-term care;

''(C) existing and innovative technologies;

''(D) the costs and utilization of, and access to health care;

''(E) the ways in which health care services are organized, delivered, and financed and the interaction and impact of these factors on the quality of patient care;

''(F) methods for measuring quality and strategies for improving quality; and

''(G) ways in which patients, consumers, purchasers, and practitioners acquire new information about best practices and health benefits, the determinants and impact of their use of this information;

''(2) the synthesis and dissemination of available scientific evidence for use by patients, consumers, practitioners, providers, purchasers, policy makers, and educators; and

''(3) initiatives to advance private and public efforts to improve health care quality.

''(c) REQUIREMENTS WITH RESPECT TO RURAL AND INNER-CITY AREAS AND PRIORITY POPULATIONS.—

''(1) RESEARCH, EVALUATIONS AND DEMONSTRATION PROJECTS.—In carrying out this title, the Director shall conduct and support research and evaluations, and support demonstration projects, with respect to—

''(A) the delivery of health care in inner-city areas, and in rural areas (including frontier areas); and

''(B) health care for priority populations, which shall include—

''(i) low-income groups;

''(ii) minority groups;

''(iii) women;

''(iv) children;

''(v) the elderly; and

''(vi) individuals with special health care needs, including individuals with disabilities and individuals who need chronic care or end-of-life health care.

''(2) PROCESS TO ENSURE APPROPRIATE RESEARCH.—The Director shall establish a process to ensure that the requirements of paragraph (1) are reflected in the overall portfolio of research conducted and supported by the Agency.

''(3) OFFICE OF PRIORITY POPULATIONS.—The Director shall establish an Office of Priority Populations to assist in carrying out the requirements of paragraph (1).

''SEC. 902. GENERAL AUTHORITIES.

''(a) IN GENERAL.—In carrying out section 901(b), the Director shall conduct and support research, evaluations, and training, support demonstration projects, research networks, and multi-disciplinary centers, provide technical assistance, and disseminate information on health care and on systems for the delivery of such care, including activities with respect to—

''(1) the quality, effectiveness, efficiency, appropriateness and value of health care services;

''(2) quality measurement and improvement;

''(3) the outcomes, cost, cost-effectiveness, and use of health care services and access to such services;

''(4) clinical practice, including primary care and practice-oriented research;

''(5) health care technologies, facilities, and equipment;

''(6) health care costs, productivity, organization, and market forces;

''(7) health promotion and disease prevention, including clinical preventive services;

''(8) health statistics, surveys, database development, and epidemiology; and

''(9) medical liability.

''(b) HEALTH SERVICES TRAINING GRANTS.—

''(1) IN GENERAL.—The Director may provide training grants in the field of health services research related to activities authorized under subsection (a), to include pre- and post-doctoral fellowships and training programs, young investigator awards, and other programs and activities as appropriate. In carrying out this subsection, the Director shall make use of funds made available under section 487(d)(3) as well as other appropriated funds.

''(2) REQUIREMENTS.—In developing priorities for the allocation of training funds under this subsection, the Director shall take into consideration shortages in the number of trained researchers who are addressing health care issues for the priority populations identified in section 901(c)(1)(B) and in addition, shall take into consideration indications of long-term commitment, amongst applicants for training funds, to addressing health care needs of the priority populations.

''(c) MULTIDISCIPLINARY CENTERS.—The Director may provide financial assistance to assist in meeting the costs of planning and establishing new centers, and operating existing and new centers, for multidisciplinary health services research, demonstration projects, evaluations, training, and policy analysis with respect to the matters referred to in subsection (a).

''(d) RELATION TO CERTAIN AUTHORITIES REGARDING SOCIAL SECURITY.—Activities authorized in this section shall be appropriately coordinated with experiments, demonstration projects, and other related activities authorized by the Social Security Act and the Social Security Amendments of 1967. Activities under subsection (a)(2) of this section that affect the programs under titles XVIII, XIX and XXI of the Social Security Act shall be carried out consistent with section 1142 of such Act.

''(e) DISCLAIMER.—The Agency shall not mandate national standards of clinical practice or quality health care standards. Recommendations resulting from projects funded and published by the Agency shall include a corresponding disclaimer.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that the Agency's role is to mandate a national standard or specific approach to quality measurement and reporting. In research and quality improvement activities, the Agency shall consider a wide range of choices, providers, health care delivery systems, and individual preferences.

''(g) ANNUAL REPORT.—Beginning with fiscal year 2003, the Director shall annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.

''PART B—HEALTH CARE IMPROVEMENT RESEARCH

''SEC. 911. HEALTH CARE OUTCOME IMPROVEMENT RESEARCH.

''(a) EVIDENCE RATING SYSTEMS.—In collaboration with experts from the public and private sector, the Agency shall identify and disseminate methods or systems to assess health care research results, particularly methods or systems to rate the strength of the scientific evidence underlying health care practice, recommendations in the research literature, and technology assessments. The Agency shall make methods or systems for evidence rating widely available. Agency publications containing health care recommendations shall indicate the level of substantiating evidence using such methods or systems.

''(b) HEALTH CARE IMPROVEMENT RESEARCH CENTERS AND PROVIDER-BASED RESEARCH NETWORKS.—

''(1) IN GENERAL.—In order to address the full continuum of care and outcomes research, to link research to practice improvement, and to speed the dissemination of research findings to community practice settings, the Agency shall employ research strategies and mechanisms that will link research directly with clinical practice in geographically diverse locations throughout the United States, including—

''(A) health care improvement research centers that combine demonstrated multidisciplinary expertise in outcomes or quality improvement research with linkages to relevant sites of care;

''(B) provider-based research networks, including plan, facility, or delivery system sites of care (especially primary care), that can evaluate outcomes and evaluate and promote quality improvement; and

''(C) other innovative mechanisms or strategies to link research with clinical practice.

''(2) REQUIREMENTS.—The Director is authorized to establish the requirements for entities applying for grants under this subsection.

''SEC. 912. PRIVATE-PUBLIC PARTNERSHIPS TO IMPROVE ORGANIZATION AND DELIVERY.

''(a) SUPPORT FOR EFFORTS TO DEVELOP INFORMATION ON QUALITY.—

''(1) SCIENTIFIC AND TECHNICAL SUPPORT.—In its role as the principal agency for health care research and quality, the Agency may provide scientific and technical support for private and public efforts to improve health care quality, including the activities of accrediting organizations.

''(2) ROLE OF THE AGENCY.—With respect to paragraph (1), the role of the Agency shall include—

''(A) the identification and assessment of methods for the evaluation of the health of—

''(i) enrollees in health plans by type of plan, provider, and provider arrangements; and

''(ii) other populations, including those receiving long-term care services;

''(B) the ongoing development, testing, and dissemination of quality measures, including measures of health and functional outcomes;

''(C) the compilation and dissemination of health care quality measures developed in the private and public sector;

''(D) assistance in the development of improved health care information systems;

''(E) the development of survey tools for the purpose of measuring participant and beneficiary assessments of their health care; and

''(F) identifying and disseminating information on mechanisms for the integration of information on quality into purchaser and consumer decision-making processes.

''(b) CENTERS FOR EDUCATION AND RESEARCH ON THERAPEUTICS.—

''(1) IN GENERAL.—The Secretary, acting through the Director and in consultation with the Commissioner of Food and Drugs, shall establish a program for the purpose of making one or more grants for the establishment and operation of one or more centers to carry out the activities specified in paragraph (2).

''(2) REQUIRED ACTIVITIES.—The activities referred to in this paragraph are the following:

''(A) The conduct of state-of-the-art research for the following purposes:

''(i) To increase awareness of—

''(I) new uses of drugs, biological products, and devices;

''(II) ways to improve the effective use of drugs, biological products, and devices; and

''(III) risks of new uses and risks of combinations of drugs and biological products.

''(ii) To provide objective clinical information to the following individuals and entities:

''(I) Health care practitioners and other providers of health care goods or services.

''(II) Pharmacists, pharmacy benefit managers and purchasers.

''(III) Health maintenance organizations and other managed health care organizations.

''(IV) Health care insurers and governmental agencies.

''(V) Patients and consumers.

''(iii) To improve the quality of health care while reducing the cost of health care through—

''(I) an increase in the appropriate use of drugs, biological products, or devices; and

''(II) the prevention of adverse effects of drugs, biological products, and devices and the consequences of such effects, such as unnecessary hospitalizations.

''(B) The conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices.

''(C) Such other activities as the Secretary determines to be appropriate, except that a grant may not be expended to assist the Secretary in the review of new drugs, biological products, and devices.

''(c) REDUCING ERRORS IN MEDICINE.—The Director shall conduct and support research and build private-public partnerships to—

''(1) identify the causes of preventable health care errors and patient injury in health care delivery;

''(2) develop, demonstrate, and evaluate strategies for reducing errors and improving patient safety; and

''(3) disseminate such effective strategies throughout the health care industry.

''SEC. 913. INFORMATION ON QUALITY AND COST OF CARE.

''(a) IN GENERAL.—The Director shall—

''(1) conduct a survey to collect data on a nationally representative sample of the population on the cost, use and, for fiscal year 2001 and subsequent fiscal years, quality of health care, including the types of health care services Americans use, their access to health care services, frequency of use, how much is paid for the services used, the source of those payments, the types and costs of private health insurance, access, satisfaction, and quality of care for the general population including rural residents and also for populations identified in section 901(c); and

''(2) develop databases and tools that provide information to States on the quality, access, and use of health care services provided to their residents.

''(b) QUALITY AND OUTCOMES INFORMATION.—

''(1) IN GENERAL.—Beginning in fiscal year 2001, the Director shall ensure that the survey conducted under subsection (a)(1) will—

''(A) identify determinants of health outcomes and functional status, including the health care needs of populations identified in section 901(c), provide data to study the relationships between health care quality, outcomes, access, use, and cost, measure changes over time, and monitor the overall national impact of Federal and State policy changes on health care;

''(B) provide information on the quality of care and patient outcomes for frequently occurring clinical conditions for a nationally representative sample of the population including rural residents; and

''(C) provide reliable national estimates for children and persons with special health care needs through the use of supplements or periodic expansions of the survey.

In expanding the Medical Expenditure Panel Survey, as in existence on the date of the enactment of this title in fiscal year 2001 to collect information on the quality of care, the Director shall take into account any outcomes measurements generally collected by private sector accreditation organizations.

''(2) ANNUAL REPORT.—Beginning in fiscal year 2003, the Secretary, acting through the Director, shall submit to Congress an annual report on national trends in the quality of health care provided to the American people.

''SEC. 914. INFORMATION SYSTEMS FOR HEALTH CARE IMPROVEMENT.

''(a) IN GENERAL.—In order to foster a range of innovative approaches to the management and communication of health information, the Agency shall conduct and support research, evaluations, and initiatives to advance—

''(1) the use of information systems for the study of health care quality and outcomes, including the generation of both individual provider and plan-level comparative performance data;

''(2) training for health care practitioners and researchers in the use of information systems;

''(3) the creation of effective linkages between various sources of health information, including the development of information networks;

''(4) the delivery and coordination of evidence-based health care services, including the use of real-time health care decision-support programs;

''(5) the utility and comparability of health information data and medical vocabularies by addressing issues related to the content, structure, definitions and coding of such information and data in consultation with appropriate Federal, State and private entities;

''(6) the use of computer-based health records in all settings for the development of personal health records for individual health assessment and maintenance, and for monitoring public health and outcomes of care within populations; and

''(7) the protection of individually identifiable information in health services research and health care quality improvement.

''(b) DEMONSTRATION.—The Agency shall support demonstrations into the use of new information tools aimed at improving shared decision-making between patients and their care-givers.

''(c) FACILITATING PUBLIC ACCESS TO INFORMATION.—The Director shall work with appropriate public and private sector entities to facilitate public access to information regarding the quality of and consumer satisfaction with health care.

''SEC. 915. RESEARCH SUPPORTING PRIMARY CARE AND ACCESS IN UNDERSERVED AREAS.

''(a) PREVENTIVE SERVICES TASK FORCE.—

''(1) ESTABLISHMENT AND PURPOSE.—The Director may periodically convene a Preventive Services Task Force to be composed of individuals with appropriate expertise. Such a task force shall review the scientific evidence related to the effectiveness, appropriateness, and cost-effectiveness of clinical preventive services for the purpose of developing recommendations for the health care community, and updating previous clinical preventive recommendations.

''(2) ROLE OF AGENCY.—The Agency shall provide ongoing administrative, research, and technical support for the operations of the Preventive Services Task Force, including coordinating and supporting the dissemination of the recommendations of the Task Force.

''(3) OPERATION.—In carrying out its responsibilities under paragraph (1), the Task Force is not subject to the provisions of Appendix 2 of title 5, United States Code.

''(b) PRIMARY CARE RESEARCH.—

''(1) IN GENERAL.—There is established within the Agency a Center for Primary Care Research (referred to in this subsection as the 'Center') that shall serve as the principal source of funding for primary care practice research in the Department of Health and Human Services. For purposes of this paragraph, primary care research focuses on the first contact when illness or health concerns arise, the diagnosis, treatment or referral to specialty care, preventive care, and the relationship between the clinician and the patient in the context of the family and community.

''(2) RESEARCH.—In carrying out this section, the Center shall conduct and support research concerning—

''(A) the nature and characteristics of primary care practice;

''(B) the management of commonly occurring clinical problems;

''(C) the management of undifferentiated clinical problems; and

''(D) the continuity and coordination of health services.

''SEC. 916. HEALTH CARE PRACTICE AND TECHNOLOGY INNOVATION.

''(a) IN GENERAL.—The Director shall promote innovation in evidence-based health care practices and technologies by—

''(1) conducting and supporting research on the development, diffusion, and use of health care technology;

''(2) developing, evaluating, and disseminating methodologies for assessments of health care practices and technologies;

''(3) conducting intramural and supporting extramural assessments of existing and new health care practices and technologies;

''(4) promoting education and training and providing technical assistance in the use of health care practice and technology assessment methodologies and results; and

''(5) working with the National Library of Medicine and the public and private sector to develop an electronic clearinghouse of currently available assessments and those in progress.

''(b) SPECIFICATION OF PROCESS.—

''(1) IN GENERAL.—Not later than December 31, 2000, the Director shall develop and publish a description of the methods used by the Agency and its contractors for health care practice and technology assessment.

''(2) CONSULTATIONS.—In carrying out this subsection, the Director shall cooperate and consult with the Assistant Secretary for Health, the Administrator of the Health Care Financing Administration, the Director of the National Institutes of Health, the Commissioner of Food and Drugs, and the heads of any other interested Federal department or agency, and shall seek input, where appropriate, from professional societies and other private and public entities.

''(3) METHODOLOGY.—The Director shall, in developing the methods used under paragraph (1), consider—

''(A) safety, efficacy, and effectiveness;

''(B) legal, social, and ethical implications;

''(C) costs, benefits, and cost-effectiveness;

''(D) comparisons to alternate health care practices and technologies; and

''(E) requirements of Food and Drug Administration approval to avoid duplication.

''(c) SPECIFIC ASSESSMENTS.—

''(1) IN GENERAL.—The Director shall conduct or support specific assessments of health care technologies and practices.

''(2) REQUESTS FOR ASSESSMENTS.—The Director is authorized to conduct or support assessments, on a reimbursable basis, for the Health Care Financing Administration, the Department of Defense, the Department of Veterans Affairs, the Office of Personnel Management, and other public or private entities.

''(3) GRANTS AND CONTRACTS.—In addition to conducting assessments, the Director may make grants to, or enter into cooperative agreements or contracts with, entities described in paragraph (4) for the purpose of conducting assessments of experimental, emerging, existing, or potentially outmoded health care technologies, and for related activities.

''(4) ELIGIBLE ENTITIES.—An entity described in this paragraph is an entity that is determined to be appropriate by the Director, including academic medical centers, research institutions and organizations, professional organizations, third party payers, governmental agencies, minority institutions of higher education (such as Historically Black Colleges and Universities, and Hispanic institutions), and consortia of appropriate research entities established for the purpose of conducting technology assessments.

''(d) MEDICAL EXAMINATION OF CERTAIN VICTIMS.—

''(1) IN GENERAL.—The Director shall develop and disseminate a report on evidence-based clinical practices for—

''(A) the examination and treatment by health professionals of individuals who are victims of sexual assault (including child molestation) or attempted sexual assault; and

''(B) the training of health professionals, in consultation with the Health Resources and Services Administration, on performing medical evidentiary examinations of individuals who are victims of child abuse or neglect, sexual assault, elder abuse, or domestic violence.

''(2) CERTAIN CONSIDERATIONS.—In identifying the issues to be addressed by the report, the Director shall, to the extent practicable, take into consideration the expertise and experience of Federal and State law enforcement officials regarding the victims referred to in paragraph (1), and of other appropriate public and private entities (including medical societies, victim services organizations, sexual assault prevention organizations, and social services organizations).

''SEC. 917. COORDINATION OF FEDERAL GOVERNMENT QUALITY IMPROVEMENT EFFORTS.

''(a) REQUIREMENT.—

''(1) IN GENERAL.—To avoid duplication and ensure that Federal resources are used efficiently and effectively, the Secretary, acting through the Director, shall coordinate all research, evaluations, and demonstrations related to health services research, quality measurement and quality improvement activities undertaken and supported by the Federal Government.

''(2) SPECIFIC ACTIVITIES.—The Director, in collaboration with the appropriate Federal officials representing all concerned executive agencies and departments, shall develop and manage a process to—

''(A) improve interagency coordination, priority setting, and the use and sharing of research findings and data pertaining to Federal quality improvement programs, technology assessment, and health services research;

''(B) strengthen the research information infrastructure, including databases, pertaining to Federal health services research and health care quality improvement initiatives;

''(C) set specific goals for participating agencies and departments to further health services research and health care quality improvement; and

''(D) strengthen the management of Federal health care quality improvement programs.

''(b) STUDY BY THE INSTITUTE OF MEDICINE.—

''(1) IN GENERAL.—To provide Congress, the Department of Health and Human Services, and other relevant departments with an independent, external review of their quality oversight, quality improvement and quality research programs, the Secretary shall enter into a contract with the Institute of Medicine—

''(A) to describe and evaluate current quality improvement, quality research and quality monitoring processes through—

''(i) an overview of pertinent health services research activities and quality improvement efforts conducted by all Federal programs, with particular attention paid to those under titles XVIII, XIX, and XXI of the Social Security Act; and

''(ii) a summary of the partnerships that the Department of Health and Human Services has pursued with private accreditation, quality measurement and improvement organizations; and

''(B) to identify options and make recommendations to improve the efficiency and effectiveness of quality improvement programs through—

''(i) the improved coordination of activities across the medicare, medicaid and child health insurance programs under titles XVIII, XIX and XXI of the Social Security Act and health services research programs;

''(ii) the strengthening of patient choice and participation by incorporating state-of-the-art quality monitoring tools and making information on quality available; and

''(iii) the enhancement of the most effective programs, consolidation as appropriate, and elimination of duplicative activities within various federal agencies.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine for the preparation—

''(i) not later than 12 months after the date of the enactment of this title, of a report providing an overview of the quality improvement programs of the Department of Health and Human Services for the medicare, medicaid, and CHIP programs under titles XVIII, XIX, and XXI of the Social Security Act; and

''(ii) not later than 24 months after the date of the enactment of this title, of a final report containing recommendations.

''(B) REPORTS.—The Secretary shall submit the reports described in subparagraph (A) to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Commerce of the House of Representatives.

''PART C—GENERAL PROVISIONS

''SEC. 921. ADVISORY COUNCIL FOR HEALTHCARE RESEARCH AND QUALITY.

''(a) ESTABLISHMENT.—There is established an advisory council to be known as the National Advisory Council for Healthcare Research and Quality.

''(b) DUTIES.—

''(1) IN GENERAL.—The Advisory Council shall advise the Secretary and the Director with respect to activities proposed or undertaken to carry out the mission of the Agency under section 901(b).

''(2) CERTAIN RECOMMENDATIONS.—Activities of the Advisory Council under paragraph (1) shall include making recommendations to the Director regarding—

''(A) priorities regarding health care research, especially studies related to quality, outcomes, cost and the utilization of, and access to, health care services;

''(B) the field of health care research and related disciplines, especially issues related to training needs, and dissemination of information pertaining to health care quality; and

''(C) the appropriate role of the Agency in each of these areas in light of private sector activity and identification of opportunities for public-private sector partnerships.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Advisory Council shall, in accordance with this subsection, be composed of appointed members and ex officio members. All members of the Advisory Council shall be voting members other than the individuals designated under paragraph (3)(B) as ex officio members.

''(2) APPOINTED MEMBERS.—The Secretary shall appoint to the Advisory Council 21 appropriately qualified individuals. At least 17 members of the Advisory Council shall be representatives of the public who are not officers or employees of the United States and at least 1 member who shall be a specialist in the rural aspects of 1 or more of the professions or fields described in subparagraphs (A) through (G). The Secretary shall ensure that the appointed members of the Council, as a group, are representative of professions and entities concerned with, or affected by, activities under this title and under section 1142 of the Social Security Act. Of such members—

''(A) three shall be individuals distinguished in the conduct of research, demonstration projects, and evaluations with respect to health care;

''(B) three shall be individuals distinguished in the fields of health care quality research or health care improvement;

''(C) three shall be individuals distinguished in the practice of medicine of which at least one shall be a primary care practitioner;

''(D) three shall be individuals distinguished in the other health professions;

''(E) three shall be individuals either representing the private health care sector, including health plans, providers, and purchasers or individuals distinguished as administrators of health care delivery systems;

''(F) three shall be individuals distinguished in the fields of health care economics, information systems, law, ethics, business, or public policy; and

''(G) three shall be individuals representing the interests of patients and consumers of health care.

''(3) EX OFFICIO MEMBERS.—The Secretary shall designate as ex officio members of the Advisory Council—

''(A) the Assistant Secretary for Health, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Care Financing Administration, the Commissioner of the Food and Drug Administration, the Director of the Office of Personnel Management, the Assistant Secretary of Defense (Health Affairs), and the Under Secretary for Health of the Department of Veterans Affairs; and

''(B) such other Federal officials as the Secretary may consider appropriate.

''(d) TERMS.—

''(1) IN GENERAL.—Members of the Advisory Council appointed under subsection (c)(2) shall serve for a term of 3 years.

''(2) STAGGERED TERMS.—To ensure the staggered rotation of one-third of the members of the Advisory Council each year, the Secretary is authorized to appoint the initial members of the Advisory Council for terms of 1, 2, or 3 years.

''(3) SERVICE BEYOND TERM.—A member of the Council appointed under subsection (c)(2) may continue to serve after the expiration of the term of the members until a successor is appointed.

''(e) VACANCIES.—If a member of the Advisory Council appointed under subsection (c)(2) does not serve the full term applicable under subsection (d), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

''(f) CHAIR.—The Director shall, from among the members of the Advisory Council appointed under subsection (c)(2), designate an individual to serve as the chair of the Advisory Council.

''(g) MEETINGS.—The Advisory Council shall meet not less than once during each discrete 4-month period and shall otherwise meet at the call of the Director or the chair.

''(h) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—

''(1) APPOINTED MEMBERS.—Members of the Advisory Council appointed under subsection (c)(2) shall receive compensation for each day (including travel time) engaged in carrying out the duties of the Advisory Council unless declined by the member. Such compensation may not be in an amount in excess of the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the performance of the duties of the Advisory Council.

''(2) EX OFFICIO MEMBERS.—Officials designated under subsection (c)(3) as ex officio members of the Advisory Council may not receive compensation for service on the Advisory Council in addition to the compensation otherwise received for duties carried out as officers of the United States.

''(i) STAFF.—The Director shall provide to the Advisory Council such staff, information, and other assistance as may be necessary to carry out the duties of the Council.

''(j) DURATION.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, the Advisory Council shall continue in existence until otherwise provided by law.

''SEC. 922. PEER REVIEW WITH RESPECT TO GRANTS AND CONTRACTS.

''(a) REQUIREMENT OF REVIEW.—

''(1) IN GENERAL.—Appropriate technical and scientific peer review shall be conducted with respect to each application for a grant, cooperative agreement, or contract under this title.

''(2) REPORTS TO DIRECTOR.—Each peer review group to which an application is submitted pursuant to paragraph (1) shall report its finding and recommendations respecting the application to the Director in such form and in such manner as the Director shall require.

''(b) APPROVAL AS PRECONDITION OF AWARDS.—The Director may not approve an application described in subsection (a)(1) unless the application is recommended for approval by a peer review group established under subsection (c).

''(c) ESTABLISHMENT OF PEER REVIEW GROUPS.—

''(1) IN GENERAL.—The Director shall establish such technical and scientific peer review groups as may be necessary to carry out this section. Such groups shall be established without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and without regard to the provisions of chapter 51, and subchapter III of chapter 53, of such title that relate to classification and pay rates under the General Schedule.

''(2) MEMBERSHIP.—The members of any peer review group established under this section shall be appointed from among individuals who by virtue of their training or experience are eminently qualified to carry out the duties of such peer review group. Officers and employees of the United States may not constitute more than 25 percent of the membership of any such group. Such officers and employees may not receive compensation for service on such groups in addition to the compensation otherwise received for these duties carried out as such officers and employees.

''(3) DURATION.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, peer review groups established under this section may continue in existence until otherwise provided by law.

''(4) QUALIFICATIONS.—Members of any peer-review group shall, at a minimum, meet the following requirements:

''(A) Such members shall agree in writing to treat information received, pursuant to their work for the group, as confidential information, except that this subparagraph shall not apply to public records and public information.

''(B) Such members shall agree in writing to recuse themselves from participation in the peer-review of specific applications which present a potential personal conflict of interest or appearance of such conflict, including employment in a directly affected organization, stock ownership, or any financial or other arrangement that might introduce bias in the process of peer-review.

''(d) AUTHORITY FOR PROCEDURAL ADJUSTMENTS IN CERTAIN CASES.—In the case of applications for financial assistance whose direct costs will not exceed $100,000, the Director may make appropriate adjustments in the procedures otherwise established by the Director for the conduct of peer review under this section. Such adjustments may be made for the purpose of encouraging the entry of individuals into the field of research, for the purpose of encouraging clinical practice-oriented or provider-based research, and for such other purposes as the Director may determine to be appropriate.

''(e) REGULATIONS.—The Director shall issue regulations for the conduct of peer review under this section.

''SEC. 923. CERTAIN PROVISIONS WITH RESPECT TO DEVELOPMENT, COLLECTION, AND DISSEMINATION OF DATA.

''(a) STANDARDS WITH RESPECT TO UTILITY OF DATA.—

''(1) IN GENERAL.—To ensure the utility, accuracy, and sufficiency of data collected by or for the Agency for the purpose described in section 901(b), the Director shall establish standard methods for developing and collecting such data, taking into consideration—

''(A) other Federal health data collection standards; and

''(B) the differences between types of health care plans, delivery systems, health care providers, and provider arrangements.

''(2) RELATIONSHIP WITH OTHER DEPARTMENT PROGRAMS.—In any case where standards under paragraph (1) may affect the administration of other programs carried out by the Department of Health and Human Services, including the programs under title XVIII, XIX or XXI of the Social Security Act, or may affect health information that is subject to a standard developed under part C of title XI of the Social Security Act, they shall be in the form of recommendations to the Secretary for such program.

''(b) STATISTICS AND ANALYSES.—The Director shall—

''(1) take appropriate action to ensure that statistics and analyses developed under this title are of high quality, timely, and duly comprehensive, and that the statistics are specific, standardized, and adequately analyzed and indexed; and

''(2) publish, make available, and disseminate such statistics and analyses on as wide a basis as is practicable.

''(c) AUTHORITY REGARDING CERTAIN REQUESTS.—Upon request of a public or private entity, the Director may conduct or support research or analyses otherwise authorized by this title pursuant to arrangements under which such entity will pay the cost of the services provided. Amounts received by the Director under such arrangements shall be available to the Director for obligation until expended.

''SEC. 924. DISSEMINATION OF INFORMATION.

''(a) IN GENERAL.—The Director shall—

''(1) without regard to section 501 of title 44, United States Code, promptly publish, make available, and otherwise disseminate, in a form understandable and on as broad a basis as practicable so as to maximize its use, the results of research, demonstration projects, and evaluations conducted or supported under this title;

''(2) ensure that information disseminated by the Agency is science-based and objective and undertakes consultation as necessary to assess the appropriateness and usefulness of the presentation of information that is targeted to specific audiences;

''(3) promptly make available to the public data developed in such research, demonstration projects, and evaluations;

''(4) provide, in collaboration with the National Library of Medicine where appropriate, indexing, abstracting, translating, publishing, and other services leading to a more effective and timely dissemination of information on research, demonstration projects, and evaluations with respect to health care to public and private entities and individuals engaged in the improvement of health care delivery and the general public, and undertake programs to develop new or improved methods for making such information available; and

''(5) as appropriate, provide technical assistance to State and local government and health agencies and conduct liaison activities to such agencies to foster dissemination.

''(b) PROHIBITION AGAINST RESTRICTIONS.—Except as provided in subsection (c), the Director may not restrict the publication or dissemination of data from, or the results of, projects conducted or supported under this title.

''(c) LIMITATION ON USE OF CERTAIN INFORMATION.—No information, if an establishment or person supplying the information or

described in it is identifiable, obtained in the course of activities undertaken or supported under this title may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Director) to its use for such other purpose. Such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Director) to its publication or release in other form.

''(d) PENALTY.—Any person who violates subsection (c) shall be subject to a civil monetary penalty of not more than $10,000 for each such violation involved. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A of the Social Security Act are imposed and collected.

''SEC. 925. ADDITIONAL PROVISIONS WITH RESPECT TO GRANTS AND CONTRACTS.

''(a) FINANCIAL CONFLICTS OF INTEREST.—With respect to projects for which awards of grants, cooperative agreements, or contracts are authorized to be made under this title, the Director shall by regulation define—

''(1) the specific circumstances that constitute financial interests in such projects that will, or may be reasonably expected to, create a bias in favor of obtaining results in the projects that are consistent with such interests; and

''(2) the actions that will be taken by the Director in response to any such interests identified by the Director.

''(b) REQUIREMENT OF APPLICATION.—The Director may not, with respect to any program under this title authorizing the provision of grants, cooperative agreements, or contracts, provide any such financial assistance unless an application for the assistance is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out the program involved.

''(c) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF FUNDS.—

''(1) IN GENERAL.—Upon the request of an entity receiving a grant, cooperative agreement, or contract under this title, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the entity in carrying out the project involved and, for such purpose, may detail to the entity any officer or employee of the Department of Health and Human Services.

''(2) CORRESPONDING REDUCTION IN FUNDS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of the financial assistance involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Director. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

''(d) APPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO CONTRACTS.—Contracts may be entered into under this part without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529 and 41 U.S.C. 5).

''SEC. 926. CERTAIN ADMINISTRATIVE AUTHORITIES.

''(a) DEPUTY DIRECTOR AND OTHER OFFICERS AND EMPLOYEES.—

''(1) DEPUTY DIRECTOR.—The Director may appoint a deputy director for the Agency.

''(2) OTHER OFFICERS AND EMPLOYEES.—The Director may appoint and fix the compensation of such officers and employees as may be necessary to carry out this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

''(b) FACILITIES.—The Secretary, in carrying out this title—

''(1) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or portions of buildings in the District of Columbia or communities located adjacent to the District of Columbia for use for a period not to exceed 10 years; and

''(2) may acquire, construct, improve, repair, operate, and maintain laboratory, research, and other necessary facilities and equipment, and such other real or personal property (including patents) as the Secretary deems necessary.

''(c) PROVISION OF FINANCIAL ASSISTANCE.—The Director, in carrying out this title, may make grants to public and nonprofit entities and individuals, and may enter into cooperative agreements or contracts with public and private entities and individuals.

''(d) UTILIZATION OF CERTAIN PERSONNEL AND RESOURCES.—

''(1) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Director, in carrying out this title, may utilize personnel and equipment, facilities, and other physical resources of the Department of Health and Human Services, permit appropriate (as determined by the Secretary) entities and individuals to utilize the physical resources of such Department, and provide technical assistance and advice.

''(2) OTHER AGENCIES.—The Director, in carrying out this title, may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, or of any foreign government, with or without reimbursement of such agencies.

''(e) CONSULTANTS.—The Secretary, in carrying out this title, may secure, from time to time and for such periods as the Director deems advisable but in accordance with section 3109 of title 5, United States Code, the assistance and advice of consultants from the United States or abroad.

''(f) EXPERTS.—

''(1) IN GENERAL.—The Secretary may, in carrying out this title, obtain the services of not more than 50 experts or consultants who have appropriate scientific or professional qualifications. Such experts or consultants shall be obtained in accordance with section 3109 of title 5, United States Code, except that the limitation in such section on the duration of service shall not apply.

''(2) TRAVEL EXPENSES.—

''(A) IN GENERAL.—Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5724, 5724a(a), 5724a(c), and 5726(c) of title 5, United States Code.

''(B) LIMITATION.—Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless and until the expert agrees in writing to complete the entire period of assignment, or 1 year, whichever is shorter, unless separated or reassigned for reasons that are beyond the control of the expert or consultant and that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the expert or consultant as a statutory obligation owed to the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

''(g) VOLUNTARY AND UNCOMPENSATED SERVICES.—The Director, in carrying out this title, may accept voluntary and uncompensated services.

''SEC. 927. FUNDING.

''(a) INTENT.—To ensure that the United States investment in biomedical research is rapidly translated into improvements in the quality of patient care, there must be a corresponding investment in research on the most effective clinical and organizational strategies for use of these findings in daily practice. The authorization levels in subsections (b) and (c) provide for a proportionate increase in health care research as the United States investment in biomedical research increases.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $250,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(c) EVALUATIONS.—In addition to amounts available pursuant to subsection (b) for carrying out this title, there shall be made available for such purpose, from the amounts made available pursuant to section 241 (relating to evaluations), an amount equal to 40 percent of the maximum amount authorized in such section 241 to be made available for a fiscal year.

''SEC. 928. DEFINITIONS.

''In this title:

''(1) ADVISORY COUNCIL.—The term 'Advisory Council' means the National Advisory Council on Healthcare Research and Quality established under section 921.

''(2) AGENCY.—The term 'Agency' means the Agency for Healthcare Research and Quality.

''(3) DIRECTOR.—The term 'Director' means the Director of the Agency for Healthcare Research and Quality.''.

(b) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Section 901(a) of the Public Health Service Act (as added by subsection (a) of this section) applies as a redesignation of the agency that carried out title IX of such Act on the day before the date of the enactment of this Act, and not as the termination of such agency and the establishment of a different agency. The amendment made by subsection (a) of this section does not affect appointments of the personnel of such agency who were employed at the agency on the day before such date, including the appointments of members of advisory councils or study sections of the agency who were serving on the day before such date of enactment.

(2) REFERENCES.—Any reference in law to the Agency for Health Care Policy and Research is deemed to be a reference to the Agency for Healthcare Research and Quality, and any reference in law to the Administrator for Health Care Policy and Research is deemed to be a reference to the Director of the Agency for Healthcare Research and Quality.

SEC. 3. GRANTS REGARDING UTILIZATION OF PREVENTIVE HEALTH SERVICES.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following section:

''SEC. 330D. CENTERS FOR STRATEGIES ON FACILITATING UTILIZATION OF PREVENTIVE HEALTH SERVICES AMONG VARIOUS POPULATIONS.

''(a) IN GENERAL.—The Secretary, acting through the appropriate agencies of the Public Health Service, shall make grants to public or nonprofit private entities for the establishment and operation of regional centers whose purpose is to develop, evaluate,

and disseminate effective strategies, which utilize quality management measures, to assist public and private health care programs and providers in the appropriate utilization of preventive health care services by specific populations.

''(b) RESEARCH AND TRAINING.—The activities carried out by a center under subsection (a) may include establishing programs of research and training with respect to the purpose described in such subsection, including the development of curricula for training individuals in implementing the strategies developed under such subsection.

''(c) PRIORITY REGARDING INFANTS AND CHILDREN.—In carrying out the purpose described in subsection (a), the Secretary shall give priority to various populations of infants, young children, and their mothers.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2004.''.

SEC. 4. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following subpart:

''Subpart IX—Support of Graduate Medical Education Programs in Children's Hospitals

''SEC. 340E. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

''(a) PAYMENTS.—The Secretary shall make two payments under this section to each children's hospital for each of fiscal years 2000 and 2001, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs.

''(b) AMOUNT OF PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the amounts payable under this section to a children's hospital for an approved graduate medical residency training program for a fiscal year are each of the following amounts:

''(A) DIRECT EXPENSE AMOUNT.—The amount determined under subsection (c) for direct expenses associated with operating approved graduate medical residency training programs.

''(B) INDIRECT EXPENSE AMOUNT.—The amount determined under subsection (d) for indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs.

''(2) CAPPED AMOUNT.—

''(A) IN GENERAL.—The total of the payments made to children's hospitals under paragraph (1)(A) or paragraph (1)(B) in a fiscal year shall not exceed the funds appropriated under paragraph (1) or (2), respectively, of subsection (f) for such payments for that fiscal year.

''(B) PRO RATA REDUCTIONS OF PAYMENTS FOR DIRECT EXPENSES.—If the Secretary determines that the amount of funds appropriated under subsection (f)(1) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1)(A), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

''(c) AMOUNT OF PAYMENT FOR DIRECT GRADUATE MEDICAL EDUCATION.—

''(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for direct graduate expenses relating to approved graduate medical residency training programs for a fiscal year is equal to the product of—

''(A) the updated per resident amount for direct graduate medical education, as determined under paragraph (2); and

''(B) the average number of full-time equivalent residents in the hospital's graduate approved medical residency training programs (as determined under section 1886(h)(4) of the Social Security Act during the fiscal year.

''(2) UPDATED PER RESIDENT AMOUNT FOR DIRECT GRADUATE MEDICAL EDUCATION.—The updated per resident amount for direct graduate medical education for a hospital for a fiscal year is an amount determined as follows:

''(A) DETERMINATION OF HOSPITAL SINGLE PER RESIDENT AMOUNT.—The Secretary shall compute for each hospital operating an approved graduate medical education program (regardless of whether or not it is a children's hospital) a single per resident amount equal to the average (weighted by number of full-time equivalent residents) of the primary care per resident amount and the non-primary care per resident amount computed under section 1886(h)(2) of the Social Security Act for cost reporting periods ending during fiscal year 1997.

''(B) DETERMINATION OF WAGE AND NON-WAGE-RELATED PROPORTION OF THE SINGLE PER RESIDENT AMOUNT.—The Secretary shall estimate the average proportion of the single per resident amounts computed under subparagraph (A) that is attributable to wages and wage-related costs.

''(C) STANDARDIZING PER RESIDENT AMOUNTS.—The Secretary shall establish a standardized per resident amount for each such hospital—

''(i) by dividing the single per resident amount computed under subparagraph (A) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

''(ii) by dividing the wage-related portion by the factor applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during fiscal year 1999 for the hospital's area; and

''(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

''(D) DETERMINATION OF NATIONAL AVERAGE.—The Secretary shall compute a national average per resident amount equal to the average of the standardized per resident amounts computed under subparagraph (C) for such hospitals, with the amount for each hospital weighted by the average number of full-time equivalent residents at such hospital.

''(E) APPLICATION TO INDIVIDUAL HOSPITALS.—The Secretary shall compute for each such hospital that is a children's hospital a per resident amount—

''(i) by dividing the national average per resident amount computed under subparagraph (D) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

''(ii) by multiplying the wage-related portion by the factor described in subparagraph (C)(ii) for the hospital's area; and

''(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

''(F) UPDATING RATE.—The Secretary shall update such per resident amount for each such children's hospital by the estimated percentage increase in the consumer price index for all urban consumers during the period beginning October 1997 and ending with the midpoint of the hospital's cost reporting period that begins during fiscal year 2000.

''(d) AMOUNT OF PAYMENT FOR INDIRECT MEDICAL EDUCATION.—

''(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for a fiscal year is equal to an amount determined appropriate by the Secretary.

''(2) FACTORS.—In determining the amount under paragraph (1), the Secretary shall—

''(A) take into account variations in case mix among children's hospitals and the number of full-time equivalent residents in the hospitals' approved graduate medical residency training programs; and

''(B) assure that the aggregate of the payments for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents under this section in a fiscal year are equal to the amount appropriated for such expenses for the fiscal year involved under subsection (f)(2).

''(e) MAKING OF PAYMENTS.—

''(1) INTERIM PAYMENTS.—The Secretary shall determine, before the beginning of each fiscal year involved for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year and shall (subject to paragraph (2)) make the payments of such amounts in 26 equal interim installments during such period.

''(2) WITHHOLDING.—The Secretary shall withhold up to 25 percent from each interim installment for direct graduate medical education paid under paragraph (1).

''(3) RECONCILIATION.—At the end of each fiscal year for which payments may be made under this section, the hospital shall submit to the Secretary such information as the Secretary determines to be necessary to determine the percent (if any) of the total amount withheld under paragraph (2) that is due under this section for the hospital for the fiscal year. Based on such determination, the Secretary shall recoup any overpayments made, or pay any balance due. The amount so determined shall be considered a final intermediary determination for purposes of applying section 1878 of the Social Security Act and shall be subject to review under that section in the same manner as the amount of payment under section 1886(d) of such Act is subject to review under such section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) DIRECT GRADUATE MEDICAL EDUCATION.—

''(A) IN GENERAL.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A)—

''(i) for fiscal year 2000, $90,000,000; and

''(ii) for fiscal year 2001, $95,000,000.

''(B) CARRYOVER OF EXCESS.—The amounts appropriated under subparagraph (A) for fiscal year 2000 shall remain available for obligation through the end of fiscal year 2001.

''(2) INDIRECT MEDICAL EDUCATION.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A)—

''(A) for fiscal year 2000, $190,000,000; and

''(B) for fiscal year 2001, $190,000,000.

''(g) DEFINITIONS.—In this section:

''(1) APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term 'approved graduate medical residency training program' has the meaning given the term 'approved medical residency training program' in section 1886(h)(5)(A) of the Social Security Act.

''(2) CHILDREN'S HOSPITAL.—The term 'children's hospital' means a hospital described

in section 1886(d)(1)(B)(iii) of the Social Security Act.

''(3) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term 'direct graduate medical education costs' has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act.''.

SEC. 5. STUDY REGARDING SHORTAGES OF LICENSED PHARMACISTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary''), acting through the appropriate agencies of the Public Health Service, shall conduct a study to determine whether and to what extent there is a shortage of licensed pharmacists. In carrying out the study, the Secretary shall seek the comments of appropriate public and private entities regarding any such shortage.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the study under subsection (a) and submit to the Congress a report that describes the findings made through the study and that contains a summary of the comments received by the Secretary pursuant to such subsection.

SEC. 6. REPORT ON TELEMEDICINE.

Not later than January 10, 2001, the Secretary of Health and Human Services shall submit to the Congress a report that—

(1) identifies any factors that inhibit the expansion and accessibility of telemedicine services, including factors relating to telemedicine networks;

(2) identifies any factors that, in addition to geographical isolation, should be used to determine which patients need or require access to telemedicine care;

(3) determines the extent to which—

(A) patients receiving telemedicine service have benefited from the services, and are satisfied with the treatment received pursuant to the services; and

(B) the medical outcomes for such patients would have differed if telemedicine services had not been available to the patients;

(4) determines the extent to which physicians involved with telemedicine services have been satisfied with the medical aspects of the services;

(5) determines the extent to which primary care physicians are enhancing their medical knowledge and experience through the interaction with specialists provided by telemedicine consultations; and

(6) identifies legal and medical issues relating to State licensing of health professionals that are presented by telemedicine services, and provides any recommendations of the Secretary for responding to such issues.

SEC. 7. CERTAIN TECHNOLOGIES AND PRACTICES REGARDING SURVIVAL RATES FOR CARDIAC ARREST.

The Secretary of Health and Human Services shall, in consultation with the Administrator of the General Services Administration and other appropriate public and private entities, develop recommendations regarding the placement of automatic external defibrillators in Federal buildings as a means of improving the survival rates of individuals who experience cardiac arrest in such buildings, including recommendations on training, maintenance, and medical oversight, and on coordinating with the system for emergency medical services.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 580, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

WOMEN'S BUSINESS CENTERS SUSTAINABILITY ACT OF 1999

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 791) to amend the Small Business Act with respect to the women's business center program, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

Mr. UDALL of New Mexico. Mr. Speaker, reserving the right to object, I do not intend to object, but I rise in strong support of Senate bill S. 791, the Women's Business Centers Sustainability Act of 1999. This is the Senate version of H.R. 491, which the House recently passed under suspension. With the passage of this bill, we will ensure that the women's business centers keep their doors open, and that the program will continue to grow with new centers in previously underserved areas.

Mr. Speaker, I would also like to thank the gentlewoman from New York (Mrs. KELLY) for all her hard work and leadership on this bill.

Mr. Speaker, under my reservation, I yield to the gentlewoman from New York (Mrs. KELLY) to explain her unanimous consent request.

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Mrs. KELLY. Mr. Speaker, the purpose of S. 791 is to allow for currently funded Women's Business Centers and graduated Business Women's Centers to recompete for Federal funding. S. 791 addresses the funding constraints that make it increasingly difficult for Women's Business Centers to sustain the level of services they provide and, in some instances, to remain open after they graduate from the Women's Business Centers Program and no longer receive Federal matching funds.

Mr. TALENT. Mr. Speaker, I rise today in support of Senate Bill 791, ''The Women's Business Centers Sustainability Act of 1999.''

Women-owned businesses are the fastest growing sector of small business in America today. In fact, women entrepreneurs are starting new firms at twice the rate of all other business and own nearly 40 percent of all firms in the U.S.

These strong numbers show the success that women entrepreneurs enjoy, but anyone who has ever started a new business, knows that the road is not always smooth. Women's Business Centers play a major role in making that road to success a little less bumpy. Women's Business Centers, like the public-private partnership of the St. Louis Women's Business Center in my District, play a major role in assisting women entrepreneurs establish strong business plans through courses, workshops, mentor services and provide access to financing for building businesses.

H.R. 1497 builds upon the legislation we passed earlier this year to help grow the number of Women's Business Centers across the nation. But as with anything, we must continue to take a well-balanced approach that allows successful centers to continue to compete for funding as they make the transition to the private sector. The Women's Business Center Sustainability Act makes it possible for Centers like the St. Louis Women's Business Center to have a sort of safety net as they make that transition at the end of their 5-year grant cycle.

Mr. Speaker, Women's Business Centers contribute to the success of thousands of women entrepreneurs by offering the critical community support necessary for them to succeed in today's business world. As more and more women decide to be their own boss, Women's Business Centers will provide them with the resources and training they need. I commend the spirit and innovation of all those whose entrepreneurial spirit has made America great and I urge my colleagues to support passage of the Women's Business Center Sustainability Act.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of S. 791 the Women's Business Centers Sustainability Act. Women entrepreneurs are an increasingly significant part of the U.S. economy. Women own more than 8 million businesses and account for approximately one-third of all U.S. businesses and are starting businesses at twice the rate of men. Shrouded by these stirring statistics, is the fact that women encounter numerous obstacles trying to start, maintain or expand a business—obstacles which must be eliminated if we are ever to realize the full potential of this dynamic sector of our economy.

In my particular District, there exists several entities that help women's small businesses expand, in some instances, get started. I am very proud of these organizations for their dedication and hard work. In a very orderly and organized way, without a lot of overhead, women's business centers, by various names, are helping women who have an idea about a small business, providing them with technical assistance, in some instances to provide micro loans, and in all instances to provide the knowledge and wherewithal and planning that is necessary so that they start off on the right foot. Therefore, Mr. Speaker, I urge all members to vote for this mindfall, well thought out bill and support our Nation's women's businesses.

Mr. UDALL of New Mexico. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 791

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 ''Women's Business Centers Sustainability Act of 1999''.

SEC. 2. PRIVATE NONPROFIT ORGANIZATIONS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) the term 'private nonprofit organization' means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;''; and

(2) in subsection (b), by inserting ''nonprofit'' after ''private''.

SEC. 3. INCREASED MANAGEMENT OVERSIGHT AND REVIEW OF WOMEN'S BUSINESS CENTERS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) by striking subsection (h) and inserting the following:

''(h) PROGRAM EXAMINATION.—

''(1) IN GENERAL.—The Administration shall—

''(A) develop and implement an annual programmatic and financial examination of each women's business center established pursuant to this section, pursuant to which each such center shall provide to the Administration—

''(i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and

''(ii) documentation regarding the amount of matching assistance from non-Federal sources obtained and expended by the center during the preceding year in order to meet the requirements of subsection (c) and, with respect to any in-kind contributions described in subsection (c)(2) that were used to satisfy the requirements of subsection (c), verification of the existence and valuation of those contributions; and

''(B) analyze the results of each such examination and, based on that analysis, make a determination regarding the programmatic and financial viability of each women's business center.

''(2) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to award a contract (as a sustainability grant) under subsection (*l*) or to renew a contract (either as a grant or cooperative agreement) under this section with a women's business center, the Administration—

''(A) shall consider the results of the most recent examination of the center under paragraph (1); and

''(B) may withhold such award or renewal, if the Administration determines that—

''(i) the center has failed to provide any information required to be provided under clause (i) or (ii) of paragraph (1)(A), or the information provided by the center is inadequate; or

''(ii) the center has failed to provide any information required to be provided by the center for purposes of the report of the Administration under subsection (j), or the information provided by the center is inadequate.''; and

(2) by striking subsection (j) and inserting the following:

''(j) MANAGEMENT REPORT.—

''(1) IN GENERAL.—The Administration shall prepare and submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of all projects conducted under this section.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include information concerning, with respect to each women's business center established pursuant to this section—

''(A) the number of individuals receiving assistance;

''(B) the number of startup business concerns formed;

''(C) the gross receipts of assisted concerns;

''(D) the employment increases or decreases of assisted concerns;

''(E) to the maximum extent practicable, increases or decreases in profits of assisted concerns; and

''(F) the most recent analysis, as required under subsection (h)(1)(B), and the subsequent determination made by the Administration under that subsection.''.

SEC. 4. WOMEN'S BUSINESS CENTERS SUSTAINABILITY PILOT PROGRAM.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

''(l) SUSTAINABILITY PILOT PROGRAM.—

''(1) IN GENERAL.—There is established a 4-year pilot program under which the Administration is authorized to award grants (referred to in this section as 'sustainability grants') on a competitive basis for an additional 5-year project under this section to any private nonprofit organization (or a division thereof)—

''(A) that has received financial assistance under this section pursuant to a grant, contract, or cooperative agreement; and

''(B) that—

''(i) is in the final year of a 5-year project; or

''(ii) has completed a project financed under this section (or any predecessor to this section) and continues to provide assistance to women entrepreneurs.

''(2) CONDITIONS FOR PARTICIPATION.—In order to receive a sustainability grant, an organization described in paragraph (1) shall submit to the Administration an application, which shall include—

''(A) a certification that the applicant—

''(i) is a private nonprofit organization;

''(ii) employs a full-time executive director or program manager to manage the center; and

''(iii) as a condition of receiving a sustainability grant, agrees—

''(I) to a site visit as part of the final selection process and to an annual programmatic and financial examination; and

''(II) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

''(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which a sustainability grant is sought, including the ability to fundraise;

''(C) information relating to assistance provided by the women's business center site for which a sustainability grant is sought in the area in which the site is located, including—

''(i) the number of individuals assisted;

''(ii) the number of hours of counseling, training, and workshops provided; and

''(iii) the number of startup business concerns formed;

''(D) information demonstrating the effective experience of the applicant in—

''(i) conducting financial, management, and marketing assistance programs, as described in paragraphs (1), (2), and (3) of subsection (b), designed to impart or upgrade the business skills of women business owners or potential owners;

''(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged;

''(iii) using resource partners of the Administration and other entities, such as universities;

''(iv) complying with the cooperative agreement of the applicant; and

''(v) the prudent management of finances and staffing, including the manner in which the performance of the applicant compared to the business plan of the applicant and the manner in which grant funds awarded under subsection (b) were used by the applicant; and

''(E) a 5-year plan that projects the ability of the women's business center site for which a sustainability grant is sought—

''(i) to serve women business owners or potential owners in the future by improving fundraising and training activities; and

''(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged.

''(3) REVIEW OF APPLICATIONS.—

''(A) IN GENERAL.—The Administration shall—

''(i) review each application submitted under paragraph (2) based on the information provided under in subparagraphs (D) and (E) of that paragraph, and the criteria set forth in subsection (f);

''(ii) as part of the final selection process, conduct a site visit at each women's business center for which a sustainability grant is sought; and

''(iii) approve or disapprove applications for sustainability grants simultaneously with applications for grants under subsection (b).

''(B) DATA COLLECTION.—Consistent with the annual report to Congress under subsection (j), each women's business center site that is awarded a sustainability grant shall, to the maximum extent practicable, collect information relating to—

''(i) the number of individuals assisted;

''(ii) the number of hours of counseling and training provided and workshops conducted;

''(iii) the number of startup business concerns formed;

''(iv) any available gross receipts of assisted concerns; and

''(v) the number of jobs created, maintained, or lost at assisted concerns.

''(C) RECORD RETENTION.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 10 years.

''(4) NON-FEDERAL CONTRIBUTION.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, as a condition of receiving a sustainability grant, an organization described in paragraph (1) shall agree to obtain, after its application has been approved under paragraph (3) and notice of award has been issued, cash and in-kind contributions from non-Federal sources for each year of additional program participation in an amount equal to 1 non-Federal dollar for each Federal dollar.

''(B) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than 50 percent of the non-Federal assistance obtained for purposes of subparagraph (A) may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

''(5) TIMING OF REQUESTS FOR PROPOSALS.—In carrying out this subsection, the Administration shall issue requests for proposals for women's business centers applying for the pilot program under this subsection simultaneously with requests for proposals for grants under subsection (b).''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is authorized to be appropriated, to remain available until the expiration of the pilot program under subsection (l)—

''(A) $12,000,000 for fiscal year 2000;

''(B) $12,800,000 for fiscal year 2001;

''(C) $13,700,000 for fiscal year 2002; and

''(D) $14,500,000 for fiscal year 2003.'';

(2) in paragraph (2)—

(A) by striking ''Amounts made'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made''; and

(B) by adding at the end the following:

''(B) EXCEPTIONS.—Of the amount made available under this subsection for a fiscal year, the following amounts shall be available for selection panel costs, post-award conference costs, and costs related to monitoring and oversight:

''(i) For fiscal year 2000, 2 percent.

''(ii) For fiscal year 2001, 1.9 percent.

''(iii) For fiscal year 2002, 1.9 percent.

''(iv) For fiscal year 2003, 1.6 percent.''; and

(3) by adding at the end the following:

''(4) RESERVATION OF FUNDS FOR SUSTAINABILITY PILOT PROGRAM.—

''(A) IN GENERAL.—Subject to subparagraph (B), of the total amount made available under this subsection for a fiscal year, the following amounts shall be reserved for sustainability grants under subsection (l):

''(i) For fiscal year 2000, 17 percent.

''(ii) For fiscal year 2001, 18.8 percent.

''(iii) For fiscal year 2002, 30.2 percent.

''(iv) For fiscal year 2003, 30.2 percent.

''(B) USE OF UNAWARDED FUNDS FOR SUSTAINABILITY PILOT PROGRAM GRANTS.—If the amount reserved under subparagraph (A) for any fiscal year is not fully awarded to private nonprofit organizations described in subsection (l)(1)(B), the Administration is authorized to use the unawarded amount to fund additional women's business center sites or to increase funding of existing women's business center sites under subsection (b).''.

(c) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidelines to implement the amendments made by this section.

SEC. 5. SENSE OF THE SENATE REGARDING GOVERNMENT PROCUREMENT ACCESS FOR WOMEN-OWNED SMALL BUSINESSES.

(a) FINDINGS.—The Senate finds that—

(1) women-owned small businesses are a powerful force in the economy;

(2) between 1987 and 1996—

(A) the number of women-owned small businesses in the United States increased by 78 percent, almost twice the rate of increase of all businesses in the United States;

(B) the number of women-owned small businesses increased in every State;

(C) total sales by women-owned small businesses in the United States increased by 236 percent;

(D) employment provided by women-owned small businesses in the United States increased by 183 percent; and

(E) the rates of growth for women-owned small businesses in the United States for the fastest growing industries were—

(i) 171 percent in construction;

(ii) 157 percent in wholesale trade;

(iii) 140 percent in transportation and communications;

(iv) 130 percent in agriculture; and

(v) 112 percent in manufacturing;

(3) approximately 8,000,000 women-owned small businesses in the United States provide jobs for 15,500,000 individuals and generate almost $1,400,000,000,000 in sales each year;

(4) the participation of women-owned small businesses in the United States in the procurement market of the Federal Government is limited;

(5) the Federal Government is the largest purchaser of goods and services in the United States, spending more than $200,000,000,000 each year;

(6) the majority of Federal Government purchases are for items that cost $25,000 or less; and

(7) the rate of Federal procurement for women-owned small businesses is 2.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States should—

(1) conduct an audit of the Federal procurement system regarding Federal contracting involving women-owned small businesses for the 3 preceding fiscal years;

(2) solicit from Federal employees involved in the Federal procurement system any suggestions regarding how to increase the number of Federal contracts awarded to women-owned small businesses; and

(3) submit to Congress a report on the results of that audit, which report shall include—

(A) an analysis of any identified trends in Federal contracting with respect to women-owned small businesses;

(B) any recommended means to increase the number of Federal contracts awarded to women-owned small businesses that the Comptroller General considers to be appropriate, after taking into consideration any suggestions received pursuant to a solicitation described in paragraph (2), including any such means that incorporate the concepts of teaming or partnering; and

(C) a discussion of any barriers to the receipt of Federal contracts by women-owned small businesses and other small businesses that are created by legal or regulatory procurement requirements or practices.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1999.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 1180, TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 236) to correct the enrollment of the bill H.R. 1180, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 236

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 1180), to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes, the Clerk of the House of Representatives shall make the following correction: Strike section 408 and insert in lieu thereof the following:

''CLIMATE DATABASE MODERNIZATION

''SEC. 408. Notwithstanding any other provision of law, the National Oceanic and Atmospheric Administration shall initiative a new competitive contract procurement for its multi-year program for key entry of valuable climate records, archive services, and database development in accordance with existing federal procurement laws and regulations.''

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SANDRA DAY O'CONNOR UNITED STATES COURTHOUSE

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1595) to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the ''Sandra Day O'Connor United States Courthouse'', and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, and I shall not object, but I will ask the gentleman from Louisiana for an explanation of the bill.

Mr. COOKSEY. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Louisiana.

Mr. COOKSEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, S. 1595 designates the United States courthouse in Phoenix, Arizona, as the Sandra Day O'Connor United States Courthouse. This legislation was introduced by Senator KYL and passed the Senate on October 8.

Sandra Day O'Connor grew up on a ranch founded by her grandfather in southeastern Arizona. The ranch house was a simple four bedroom adobe that did not have running water or electricity until she was 7. Justice O'Connor stayed with her grandmother and attended school in El Paso, Texas, until she graduated at the age of 16. She then entered Stanford University and in 1950 earned a degree in economics, graduating magna cum laude. Upon graduation, she entered Stanford Law School and graduated third in her class in 1952.

Justice O'Connor accepted a position as deputy county attorney in San Mateo, California. On her experience in San Mateo, Justice O'Connor was quoted as saying the job ''influenced the balance of my life because it demonstrated how much I did enjoy public service.'' She then spent 3 years in Frankfurt, Germany, as a civilian lawyer for the Quartermaster Corps while her husband was serving in the United States Army Judge Advocate General Corps.

In 1957, Sandra Day O'Connor and her husband returned to the United States

and settled in Maricopa County, Arizona. While maintaining a partnership in her law firm and raising her three children, O'Connor wrote questions for the Arizona bar exam, helped start the State's lawyer referral service, sat on the zoning commission, served on the County Board of Adjustments and Appeals, served on the Governor's Committee on Marriage and Family, worked as an administrative assistant on the Arizona State Hospital, was an adviser to the Salvation Army, and volunteered in schools for African American and Hispanic children.

In 1965, Justice O'Connor became an assistant State attorney general and continued her volunteer work. In 1969, she was appointed to fill a vacated seat in the State senate. She won reelection in two successive terms and served as majority leader in 1972. In 1974, O'Connor was elected to a State judgeship on the Maricopa County Superior Court before being appointed to the Arizona Court of Appeals.

In 1981, while serving in the Court of Appeals, Ronald Reagan fulfilled his campaign pledge of nominating a female justice to sit on the Supreme Court and nominated Sandra Day O'Connor. Justice O'Connor was confirmed 99 to 0 by the Senate as the Supreme Court's first female justice.

Justice O'Connor has had a major impact on the court and has distinguished herself as a justice, a public servant, volunteer and mother. This naming is a fitting honor to a person who has dedicated her life in so many ways to public service. I support the bill and urge my colleagues to support it as well.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding, and I simply want to add a few remarks for the record.

I want to thank the chairman of the committee, the ranking member of the committee, and all those involved in this effort. S. 1595 is a fitting tribute to Justice Sandra Day O'Connor, a native of Arizona and a woman who has distinguished herself.

As my colleagues know, we have constructed a new United States courthouse in Phoenix, Arizona, and many of us active on this issue have been most anxious to designate this courthouse and to name it after Justice Sandra Day O'Connor. As my colleague, the gentleman from Louisiana (Mr. COOKSEY), has just recited, her career has been a distinguished one.

For a moment I would like to brag about the fact that Arizona has many women leaders. Five of the top elected officials in Arizona today are women, including our governor, our secretary of State, our attorney general, our superintendent of public instruction, and our State treasurer. But before they were elected as distinguished women leaders of Arizona, Justice O'Connor was a distinguished member of the Arizona bar, and my colleague, the gentleman from Louisiana (Mr. COOKSEY), has read off a litany of her accomplishments.

I simply want to say that as a young man growing up in Phoenix and taking the Arizona bar and some of the questions that Justice O'Connor wrote, she went on to distinguish herself and to set an example which I believe all people should follow, and to distinguish herself in the legal field. I am thrilled that Ronald Reagan appointed her to the United States Supreme Court as the first woman Justice on that court, I am thrilled that she continues to do Arizona well and to demonstrate the leadership of the women of Arizona and the women of this Nation, and I simply wanted to express my sincere appreciation and thanks to both the chairman and the ranking member of the committee for allowing this legislation to proceed through this evening.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I join with delight in supporting this legislation to honor the first woman to serve on the Supreme Court, Justice O'Connor, who has indeed distinguished herself. I have had the delight and privilege of meeting and visiting with her on several occasions.

Mr. Speaker, I rise in strong support of this bill, which designates the courthouse at 401 West Washington Street in Phoenix, Arizona, as the Sandra Day O'Connor United States Courthouse.

Justice O'Connor is the first woman to serve on the Supreme Court. She was nominated by President Reagan and was confirmed by a unanimous vote of the U.S. Senate in September of 1981. Ever since, she has served as a distinguished jurist on our Nation's highest court.

In addition to her outstanding legal career and dedication to judicial excellence, Justice O'Connor also devotes many hours as a volunteer for various charitable organizations, and she has a long history of participation in numerous civic and legal organizations.

Justice O'Connor has spent her career serving the public trust. She began her public career in legislative positions, including serving in the Arizona State Senate from 1969 until 1975, during which time she served as majority leader and a member of the Arizona Advisory Council on Intergovernmental Relations. Earlier in her career, from 1952 to 1953, Justice O'Connor served the public in California as the Deputy County Attorney in San Mateo County, and as Assistant Attorney General in Arizona from 1965 until 1969.

Her civic activities are numerous and reflect her broad interests and public services. She is a member of the National Board of the Smithsonian; she is President of the Board of Trustees of the Heard Museum; and she serves on the Advisory Board of the Salvation Army. Justice O'Connor has been Vice President of the National Conference of Christians and Jews, and a member of the Board of Trustees of her alma matter, Stanford. She has worked with the Arizona Academy, Arizona Junior Achievement, and Phoenix Historical Society.

Justice O'Connor has been active in the training and education committees for the judicial conference, and holds memberships in the America Bar Association and several state associations.

Amid all these accomplishments, Justice O'Connor has also been a devoted wife and mother. She and her husband, John, have been married almost 50 years and have three sons.

Her life has been filled with challenge, hard work, and promise. It is with great pleasure that I support S. 1595 in honor of Justice O'Connor, and urge my colleagues to join me.

Mr. Speaker, I would like to further add to the comments of the gentleman from Arizona who listed a number of women who serve in public office. The State of Arizona is very privileged to have my cousin, Rose Oberstar, serve as its governor.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1595

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

SECTION 1. DESIGNATION OF SANDRA DAY O'CONNOR UNITED STATES COURTHOUSE.

The United States courthouse at 401 West Washington Street in Phoenix, Arizona, shall be known and designated as the ''Sandra Day O'Connor United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Sandra Day O'Connor United States Courthouse''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT C. WEAVER FEDERAL BUILDING

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 67) to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the ''Robert C. Weaver Federal Building'', and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, and I shall not object, but take this reservation for the purpose of an explanation of the bill.

Mr. COOKSEY. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Louisiana.

Mr. COOKSEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, S. 67 designates the headquarters building of the Department of Housing and Urban Development in Washington, D.C. as the Robert C. Weaver Federal Building.

Robert C. Weaver was born on December 23, 1907 in Washington, D.C. He attended Harvard University and earned three degrees, including a doctorate in economics. In the 1930s and 1940s, Dr. Weaver was involved in many government agencies, where he advocated racial equality.

In the early 1960s, President KENNEDY appointed Dr. Weaver administrator of the Housing and Home Financing Agency, the predecessor to the Department of Housing and Urban Development. President JOHNSON designated HUD a Cabinet-level agency. Following service in the Federal Government, Mr. Weaver became a professor of numerous colleges.

Dr. Weaver passed away in July of 1997. This is a fitting designation. I support the bill and urge my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I too rise in support of S. 67 to designate the HUD headquarters as the Robert C. Weaver Federal Building.

I have had the privilege, as a member of the staff of my predecessor, to meet Bob Weaver; and I have only the highest respect for his professional accomplishments and for Dr. Weaver as a very decent, warm, caring, energetic, hard working, and visionary human being.

Dr. Robert Clifton Weaver has been one of the most instrumental and influential Americans in directing and administering federal housing policies. Dr. Weaver was a native Washingtonian, a graduate of Dunbar High School, and Harvard University in 1929. In 1931 he received his Masters degree, and in 1934 his Ph.D. in economics from Harvard.

He entered government in 1933, as one of the young professionals who were drawn to Washington because of the ''New Deal'' programs of President Roosevelt.

He quickly became a leader in promoting opportunities and efforts to increase minority participation in government projects and policy development. During the 1940's and 1950's, Dr. Weaver held a variety of prestigious positions, including Director of the Opportunity Fellowship Program of the John Hay Whitney Foundation, consultant to the Ford Foundation, State of New York Rent Administrator, and in 1960 he became the Vice Chairman of the New York City Housing and Redevelopment Board.

In 1961, President Kennedy named Dr. Weaver as the Administrator of the Housing and Home Finance Agency, then a loose collection of agencies including the mortgage-insuring Federal Housing Administration.

Dr. Weaver worked tirelessly to mold the agency into a single organization with a unified goal. In 1966, when the Department of Housing and Urban Development (HUD) was formed by President Johnson, Dr. Weaver was designated its first Secretary, the first African-American to hold a cabinet-level position.

After his service at HUD, Dr. Weaver returned to academic life and served as the President of Baruch College in New York City.

Dr. Weaver was the recipient of numerous awards and honors, including the NAACP's Springarn Medal, the Albert Einstein Commemorative Award, the New York City Urban League Frederick Douglass Award, and New York University's Robert F. Wagner Public Service Award.

Dr. Weaver led a rich, full life marked by professional accomplishments and excellence. His legacy in public service is a model for all of us. It is fitting and proper to honor Dr. Weaver with this designation and I join with the Gentleman from New York, Mr. RANGEL, the sponsor of the House's companion bill, in supporting S. 67.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 67

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

SECTION 1. DESIGNATION OF ROBERT C. WEAVER FEDERAL BUILDING.

In honor of the first Secretary of Housing and Urban Development, the headquarters building of the Department of Housing and Urban Development located at 451 Seventh Street, SW., in Washington, District of Columbia, shall be known and designated as the ''Robert C. Weaver Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Robert C. Weaver Federal Building''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1595 and S. 67, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 3419) to amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I would ask the chairman of the committee for an explanation of the bill.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding to me.

This bill creates a new Federal Motor Carrier Safety Administration within the Department of Transportation and makes significant safety improvements. It is a good bipartisan bill that will improve safety on our Nation's highways.

Mr. Speaker, this bill will make our roads safer for everyone. We owe it to the driving public to ensure that the trucks with which they share the road are safe.

Without hampering honest operators, this bill will ensure that the authorities will have the resources they need to keep unsafe buses and trucks off the road. It closes loopholes and imposes tough penalties on repeat offenders.

This bill doubles the number of State truck inspectors and puts more inspectors on the Mexican border to ensure that income Mexican trucks meet all U.S. safety standards.

This is a time-sensitive bill because trucking safety currently does not have an organizational home at the Department of Transportation.

It is temporarily housed in the Office of the Secretary.

This bill will create a new Federal Motor Carrier Safety Administration effective January 1, 2000.

If Congress does not enact this bill, truck safety will remain in limbo at the Department.

This is truly a comprehensive bill that reforms Federal motor carrier safety efforts.

This new agency will be dedicated to truck and bus safety. In the past, motor carrier safety oversight was housed in the Federal Highway Administration, where it had to compete with large Federal infrastructure programs for attention.

The complexity and growth of the trucking industry justifies the creation of an agency with a clear, preeminent safety mission focused on truck and bus safety. Truck safety will now have the same status within the Department as aviation safety, automobile safety, pipeline safety, and maritime safety.

When this bill passed last month, some in the media said the bill would overturn NAFTA. Amazingly enough, they were wrong. This bill gives the Secretary the power to shut down unsafe Mexican trucks coming into the U.S.—that is it. To ensure this bill has no effect on NAFTA, we have included language that states that nothing in today's bill will over-ride NAFTA.

This is the most significant motor carrier safety legislation since 1986.

This bill was developed between the House and the Senate.

It is very similar to the truck safety bill passed earlier this year by the House of Representatives by the overwhelming margin of 415 to 5.

It is my hope that if the House passes this bill today that the Senate will pass it before the Congress adjourns.

This bill is a pro-safety bill that will improve highway safety for all Americans.

I urge passage of the bill.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I am very pleased with this bill. The Motor Carrier Safety Improvement Act of 1999 is a good bill. It preserves all the strong provisions of the bill that passed the House and adds provisions from the Senate bill that will further enhance safety. A strong House bill has been made even stronger.

I just want to express my great appreciation to my chairman, my partner, and the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI), and the ranking member, the gentleman from West Virginia (Mr. RAHALL), but especially to our chairman for championing this legislation. This is good legislation. It will only add to the gentleman's distinguished record of achievement in this House, especially one in the safety arena where he has been so strong an advocate.

Mr. SHUSTER. Mr. Speaker, if the gentleman would further yield, I am also submitting an explanatory statement of the bill to be printed in the RECORD. This document has been worked out by the Members on the House and Senate sides, by myself, the gentleman from Wisconsin (Mr. PETRI), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from West Virginia (Mr. RAHALL), as well as Senators MCCAIN and HOLLINGS.

I would particularly like to emphasize that the gentleman from Virginia (Mr. WOLF) certainly played a key role in serving as a catalyst to bring this legislation to our attention, and I certainly want to commend him for that.

I also would like to report to the House, as we close this session of the Congress, that of the 104 bills signed into law by the President thus far, 19 came from our committee. So approximately 20 percent of the bills which made their way through to law have come from the Committee on Transportation and Infrastructure. Additionally, another 50 bills, in fact this one will be 51 bills, will make their way through the House, and we look forward to many of them becoming law in the next session.

Mr. OBERSTAR. Reclaiming my time, under my reservation, Mr. Speaker, I thank the gentleman and concur in that observation.

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield once again, I would be derelict in not noting the tremendous contribution of our staff, Jack Schenendorf, Mike Strachn, Roger Nober, Chris Bertram, Patti Doersch, Jess Sharp; and on the gentleman's side, Clyde Woodle, Rosalyn Millman, who is now acting administrator of NHTSA.

Everyone worked so hard to bring this bill to where it is today, and I want to commend the gentleman and thank him once again for the tremendous bipartisan support which we have had on our committee.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time under my reservation of objection, I thank the gentleman and am certainly glad he cited the staff, because they certainly have worked hard and cooperatively all the way through this legislation.

The gentleman's statement underscores the success of the Committee on Transportation and Infrastructure. In a Congress that has been getting a bad rap for gridlock, this committee has worked together and achieved an extraordinary record of accomplishment. Just before the August break, it was 26 percent of all the bills that have passed the House enacted into law were bills from this committee.

□ 2000

Our percentage has dropped only because other committees have awakened and have risen to the challenge and the examples set by the Committee on Transportation and Infrastructure. But again, it is due to the partnership and the cooperation we have achieved, I think, at the level of the chairman and ranking member.

Mr. Speaker, I rise in strong support of the Motor Carrier Safety Improvement Act of 1999. We originally passed this bill on October 14, but the Other Body has not completed work on its version of the bill. In order to make it possible to send a bill to the President before we adjourn, we have worked with the Senate Commerce Committee on a bipartisan basis to develop a bill that combines the best features of our bill and the companion motor carrier safety bill introduced in the Other Body. Our aim is to pass this compromise legislation in both Houses prior to adjournment and to send it to the President for his signature.

I am very pleased with the Motor Carrier Safety Improvement Act of 1999. This is a good bill. It preserves all the strong safety provisions in the House bill, and adds provisions from the Senate bill that will further enhance safety. A strong House bill has been made even stronger.

I want to commend our Committee Chairman, Mr. SHUSTER, Chairman PETRI of the Ground Transportation Subcommittee, and Subcommittee Ranking Member RAHALL for their diligent efforts in developing this bill. This important legislation will give federal government the direction, the incentives, and the resources needed to improve the safety of large trucks on our highways. Every year, crashes involving large trucks kill more than 5,300 people and injure about 130,000 people. On average, there are 14 deaths and 350 injuries every day of the year. Unless the federal safety program is significantly improved, there will be more deaths and injuries as the number of miles traveled by large trucks increases. This is not acceptable.

The Inspector General of the Department of Transportation, the General Accounting Office, and Norm Mineta, a former Chairman of our Surface Transportation Subcommittee and Full Committee, have concluded that the federal government's program to ensure the safety of motor carriers has major deficiencies. Their studies found that DOT has not been conduction enough commercial vehicle and driver inspections; and that the penalties imposed for violations are too low to deter future violations.

The studies also found that DOT rarely completes needed safety regulations on time. More than 20 motor carrier safety rulemakings have been in process for between three and nine years. These rulemakings involve important safety issues such as hours-of-service limits, motor carrier permits for carrying hazardous materials, and training standards for entry-level drivers.

DOT's databases are incomplete and unreliable; DOT lacks adequate personnel and facilities at our borders; and perceived conflicts of interest have undermined the credibility of DOT's research program.

Since these troubling reports by the IG and others were issued, the Secretary of Transportation, to his credit, has taken important steps to enhance the effectiveness of the motor carrier safety program. We support the Secretary's efforts. The legislation we have written will enhance these efforts and give DOT the resources needed to carry out the job.

There are four principles, I believe, that any good motor carrier safety bill should include—safety as the primary mission; sound credible research as the foundation for policy; vigorous oversight and enforcement; and adequate resources. This bill addresses each of these principles.

The bill creates a new Administration, the Federal Motor Carrier Safety Administration, without DOT. The bill gives the new Administration the direction, the incentives, and the resources it will need to improve motor carrier safety. The new Administration will also include a regulatory ombudsman, with authority to expedite rulemaking by assigning the necessary staff and resolving disagreements within the new agency.

The bill follows the model of the Federal Aviation Act of 1958, which established the Federal Aviation Administration to improve aviation safety. The bill directs the new Federal Motor Carrier Safety Administration to consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.

The bill requires the Secretary to develop a long-term strategy for improving motor carrier safety. Specific, measurable goals must be established to carry out the strategy, and estimates of funds and staff resources needed to accomplish the goals must be submitted to Congress annually.

The three top officials of the new Administration (the Administrator, Deputy Administrator, Chief Safety Officer) and the Administration's regulatory ombudsman are each required to sign a performance agreement with specific measurable goals to carry out this strategy, including increasing the number of inspections and compliance reviews, eliminating the backlog in rulemaking and enforcement cases, improving the quality and effectiveness of databases, and increasing inspection resources at the border. An official's progress toward meeting the goals is to be given substantial weight when bonuses and other achievement awards are dispersed within the Department.

The bill will give the Administration the resources it will need to do a better job. The bill provides a significant increase in guaranteed and authorized funding for motor carrier safety programs. Funding for personnel and resources of the new Administration will be 70 percent higher (an average of $38 million per year) than current staffing for the Office of

Motor Carrier Safety. The additional funding will enable the Motor Carrier Administration to hire more federal inspectors, and more attorneys to complete rulemakings. The bill also provides an additional $55 million per year of guaranteed funding for motor carrier safety grants. In addition, the bill authorizes $75 million per year, subject to appropriation, for motor carrier safety grants above the guaranteed level.

The bill makes numerous programmatic changes to improve safety by keeping dangerous drivers off the roads and enhancing oversight. The bill improves the consistency of Commercial Driver's Licenses by closing loopholes in record keeping, establishing tougher penalties for crashes that cause fatalities, and authorizing DOT to decertify the CDL programs of States that do not comply with national requirements.

Trucks entering the United States will face more comprehensive oversight when DOT implements new staffing standards for inspectors at our international borders. Violators of safety laws and regulations will face penalties high enough to promote future compliance. Maximum fines will be assessed for repeat offenders as well as a pattern of violations of our safety laws and regulations.

A comprehensive study of crash causation along with an enhanced data collection effort will help DOT and the States target their education, oversight, and enforcement activities to address the most serious contributors to crashes.

I want to again commend Chairmen SHUSTER and PETRI, and Ranking Democratic Member RAHALL, for their efforts to develop this strong motor carrier safety bill. I urge my colleagues to support the bill.

Mr. Speaker, I include for the RECORD the following statement from Secretary Slater supporting the committee's action and supporting this bill:

STATEMENT OF U.S. TRANSPORTATION SECRETARY SLATER SUPPORTING THE MOTOR CARRIER SAFETY IMPROVEMENT BILL

I am gratified that the Congress is moving swiftly to pass the ''Motor Carrier Safety Improvement Act of 1999'' (H.R. 3419). This bill would give the U.S. Department of Transportation and states additional tools to significantly improve commercial motor carrier safety across the country and at our borders. President Clinton has made clear that safety is the highest priority for the Department of Transportation. The Administration strongly supports passage of H.R. 3419.

The leadership of House Transportation and Infrastructure Committee Chairman Bud Shuster and Ranking Member Jim Oberstar, and Senate Commerce Committee Chairman John McCain and Ranking Member Ernest Hollings was critical to this agreement.

This legislation is truly a broad-based, bipartisan effort and, if enacted, will reduce motor carrier crashes and save lives. It incorporates initiatives from Senate and House proposals; the Administration's proposal; a safety audit by the Department's Inspector General, Kenneth M. Mead; a review conducted for the Department by former House Public Works and Transportation Committee Chairman Norman Y. Mineta; and recommendations from labor, safety groups, industry, and state and local governments.

The bill would create a new Federal Motor Carrier Safety Administration focused on safety as its highest priority. I support that safety emphasis wholeheartedly and applaud other provisions to increase resources and regulatory and enforcement tools. Among the significant provisions are:

Commercial Driver's License Program. Comprehensive improvements would be made to the Commercial Driver's License (CDL) program. These would allow the Department and its state partners to more effectively identify problem drivers, take appropriate remedial action, and get high-risk drivers off the road.

New Entrants. A ''new entrants'' program would permit the Department and states to ensure the safety fitness of newly-formed motor carrier companies. New applicants for authority would demonstrate their knowledge of safety regulations, and the Department would be challenged to review the safety of new carriers within the first 18 months of operation.

Foreign Carriers. The Department would gain strong new sanctions to prevent foreign carriers from operating illegally in the United States. The Department would deny entry to carriers that are not properly registered and impose stiff fines on violators. If carriers operate outside the scope of their registration authority, their trucks would be placed out-of-service at the roadside.

Data Collection to Target Problems. New data and analysis tools would help the Department determine why truck and bus crashes happen and identify the best prevention measures. H.R. 3419 would fund a major crash causation study and put into place a new system for collecting crash data nationally. The bill would also require motor carriers to update their records with the Department, helping us to focus enforcement resources on carriers that present the greatest safety risk.

Increased Resources. With passage of this bill, states would receive a major boost in resources to conduct more inspections of vehicles, drivers, and carriers. They would be able to implement innovative new safety countermeasures, keep more complete records on driver violations, and greatly strengthen enforcement programs.

I urge the Congress to act expeditiously to approve the ''Motor Carrier Safety Improvement Act of 1999.'' I believe we have a singular opportunity now to make major strides toward improving motor carrier safety and achieving the Administration's 50 percent fatality reduction goal. We at the Department look forward to working with all our partners in continuing these critical efforts to save lives and make our nation's highways safer.

Mr. Speaker, I concur with the statement of the chairman of the committee on the remarks and the document that he will include in the RECORD that serve as a joint statement of managers for this legislation.

Mr. SHUSTER. Mr. Speaker, if the gentleman will continue to yield, I am submitting for the RECORD the joint explanatory materials I referred to above:

INTRODUCTORY NOTE TO JOINT EXPLANATORY MATERIALS

We are pleased to submit the accompanying Joint Explanatory Statement of the Motor Carrier Safety Improvement Act. These materials explain the provisions of the bill in detail. On September 24, the Committee on Transportation and Infrastructure filed its report (H. Rept. 106–333) on H.R. 2679, its Motor Carrier Safety Act, to establish a separate motor carrier administration at the Department of Transportation and to make reforms to the commercial driver's license program and related motor carrier safety programs. The House overwhelmingly passed H.R. 2679 on October 14. The Senate introduced S. 1501, the Motor Carrier Safety Improvement Act, in August but took no further action on the bill.

To expedite enactment of the significant motor carrier safety reforms included in this bill, the leadership of the House Transportation and Infrastructure Committee has worked with the Senate Commerce, Science, and Transportation Committee in developing the bill. This Joint Explanatory Statement therefore represents the views of the Chairmen and Ranking members of the Transportation and Infrastructure Committee and the Ground Transportation Subcommittee, along with the Chairman and Ranking Member of the Senate Commerce Committee.

This Joint Explanatory Statement will provide legislative history for interpreting this important safety legislation.

JOINT EXPLANATORY STATEMENT OF THE HONORABLE BUD SHUSTER, THE HONORABLE JAMES OBERSTAR, THE HONORABLE THOMAS PETRI, THE HONORABLE NICK RAHALL, THE HONORABLE JOHN MCCAIN AND THE HONORABLE ERNEST HOLLINGS ON H.R. 3419: MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

Section 1. Short Title; Table of contents

The provision provides that this Act may be cited as the ''Motor Carrier Safety improvement Act of 1999.'' The section also includes a table of contents for the bill.

Sec. 2. Secretary defined

The provision defines the term ''Secretary'' to mean the Secretary of Transportation.

Sec. 3. Findings

The provision makes eight findings on motor carrier safety. Among other findings, Congress finds that the current rate, number, and severity of crashes involving motor carriers are unacceptable; the number of Federal and State motor carrier compliance reviews and commercial motor vehicle and operator inspections is insufficient; civil penalties for violators must be utilized to deter future violations; and meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries, and fatalities. Congress further finds that proper use of Federal resources is essential to the Department of Transportation's ability to improve its research, rulemaking, oversight, and enforcement activities.

Sec. 4. Purposes

The provision lists the purposes of this Act as improving the administration of the Federal motor carrier safety program by establishing a Federal Motor Carrier Safety Administration in the Department of Transportation and by enacting measures to reduce the number and severity of large truck-involved crashes through increased inspections and compliance reviews, stronger enforcement measures, expedited rulemakings, scientifically sound research, and improvements to the commercial driver's license program.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Sec. 101. Establishment of Federal Motor Carrier Safety Administration

Subsection 101(a) adds a new section 113 to title 49, United States Code, to establish, as a separate administration within the Department of transportation, the Federal Motor Carrier Safety Administration (FMCSA). The managers note that Section 101 provides that ''in carrying out its duties, the Administrator shall consider the assignment and maintenance of safety as the highest priority.'' This subsection is modeled on provisions which govern the activities of the Federal Aviation Administration and the Secretary of Transportation's responsibilities

for the regulation of air transportation. See 49 U.S.C. 40101(a)(1) & (d) and 49 U.S.C. 47101(a)(1). The Managers intend that new section 101 be interpreted and implemented in the same manner as the above-listed provisions in the laws governing aviation.

The Administration is headed by a Presidentially appointed, Senate-confirmed Administrator with professional experience in motor carrier safety; a Deputy Administrator appointed by the Secretary with the approval of the President, and a Chief Safety Officer appointed in the competitive service. In addition to any duties and powers prescribed by the Secretary, the Administrator shall carry out the duties and powers related to motor carriers and motor carrier safety set forth in chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315, and 317 of title 49, United States Code, and 42 U.S.C. 4917.

Subsection (b) provides dedicated funding for the administrative and research expenses of the FMCSA. This subsection increases funding 70 percent (an average of $38 million per year) above the level currently provided within the Federal Highway Administration, to improve the motor carrier safety research, rulemaking, oversight, and enforcement activities transferred to the FMCSA.

Subsections (c) and (d) make conforming amendments to titles 5 and 49, United States Code.

Subsection (e) caps the employment level currently at the Office of Motor Carrier Safety at its headquarters location in fiscal year 2000, except for staff transferred to the Office from the Federal Highway Administration, for fiscal year 2000. The cap includes Office of Motor Carrier Safety staff and FHWA transferred employees (FTEs) who were already dedicated to motor carrier safety matters when the Office of Motor Carrier Safety was established in October 1999. It does not preclude further transfers from the FHWA to the FMCSA during fiscal year 2000.

The Congress has provided additional motor carrier safety funding and expects those resources to be dedicated toward increased motor carrier safety enforcement and inspection activities and to expedite rulemakings. The cost of unnecessary headquarters administrative or overhead positions, including public affairs officers, congressional liaison representatives and other nonsafety-related positions, is not a proper use of the additional authorized funding. These headquarters' officials are not involved in carrying out safety responsibilities such as developing policies and regulations to enforce motor carrier safety laws.

Subsection (e) requires the Secretary to report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the specific FMSCA personnel requested for each of fiscal years 2001, 2002, and 2003. The Secretary's justifications for any additional FMSCA headquarters' administrative or overhead positions shall include detailed descriptions of the specific needs to be addressed by the additional personnel. Such justifications must be submitted to allow sufficient time for the Committees to review the Secretary's request.

Subsection (f) provides that the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary of Transportation and may be delegated.

Subsection (g) requires the Secretary to comply with the requirements of a discretionary departmental regulation, at 48 C.F.R. 1252.209–70, concerning the disclosure of conflicts of interest in research contracts, and to include the text of such regulation in each such contract. This requirement is Department wide. This subsection also calls for a study to determine the effectiveness of this requirement. Eliminating or mitigating conflicts of interest will increase the likelihood that the research results will be more widely accepted and therefore be a more acceptable basis for policy decisions.

The managers note the bill does not establish any specific offices of the FMCSA because the Secretary is best positioned to determine the specific organizational structure of the Administration. The Congress intends for the Secretary to organize the new agency in a manner and structure that adequately reflects the unique demands of passenger vehicle safety, international affairs, and consumer affairs.

Sec. 102. Revenue aligned budget authority

Subsection 102(a) amends section 110 of title 23, United States Code, concerning revenue aligned budget authority, to include the motor carrier safety assistance program (MCSAP) in the group of programs for which funding is annually adjusted to correspond to Highway Trust Fund receipts.

Subsection (b) makes a number of technical and conforming amendments, including the relocation of a second section 110, concerning uniform transferability of Federal-aid highway funds, to a section 126 of title 23, United States Code.

Sec. 103. Additional funding for Motor Carrier Safety Grant Program

Subsection 103(a) authorizes an additional $75 million from the Highway Trust Fund for each of fiscal years 2001 through 2003 for the motor carrier safety assistance program.

Subsection (b) amends section 4003 of the Transportation Equity Act for the 21st Century (TEA 21) to increase the amount of guaranteed funding provided in TEA 21 for the motor carrier safety assistance program by the following amounts: $65 million for each of fiscal years 2001 through 2003. This subsection also amends section 1102 of TEA 21 to reduce the obligation ceiling for federal-aid highways and highway safety construction programs by $65 million for each of fiscal years 2001 through 2003.

Subsection (c) establishes a maintenance of effort requirement for States receiving MCSAP funds under this section. Each State must maintain its spending for MCSAP-eligible activities at a level equal to the average annual level of expenditures for MCSAP activities for fiscal years 1997, 1998, and 1999.

Subsection (d) permits the Secretary to provide emergency grants of up to $1 million to a State that is having difficulties in meeting the requirements associated with the commercial driver's license program and is in danger of having its program suspended due to noncompliance.

Subsection (e) provides that if a State is not in substantial compliance with each requirement of 49 U.S.C. 31311, concerning commercial driver's licensing, the Secretary shall withhold any allocation of MCSAP funds authorized under this section. This subsection also provides that it, before June 30 of the fiscal year in which it was found in noncompliance, a State is found by the Secretary to be in substantial compliance with each requirement of section 31311 of such title, the Secretary shall allocate to the State the funds withheld under this subsection.

Sec. 104. Motor carrier safety strategy

Subsection 104(a) requires the Secretary of Transportation, as part of the Department's existing federally required strategic planning efforts required under GPRA, to develop and implement a long-term strategy, including an annual plan and schedule for improving commercial motor vehicle, operator, and carrier safety, and sets forth four goals to be included in the strategy. The goals are: (1) reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles, (2) improving enforcement and compliance programs, (3) identifying and targeting enforcement at a high-risk carriers, vehicles, and drivers, and (4) improving research.

Subsection (b) requires that goals be established that are designed to accomplish the safety strategy and that estimates be developed concerning the funding and staffing resources needed to accomplish the goals. By working toward the measurable goals, the Administration will also be progressing toward the strategic goals.

Subsection (c) requires the submission of the strategy and annual plan with the President's annual budget submission, starting with fiscal year 2001.

Subsection (d) establishes that for each of the fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements between: (1) the Secretary and the Federal Motor Carrier Safety Administrator; (2) the Administrator and the Deputy Federal Motor Carrier Safety Administrator; (3) the Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration; and (4) the Administrator and the regulatory ombudsman designated by the Administrator. Each of these officials shall enter into a performance agreement that contains the appropriate numeric or measurable goals of the Administration's motor carrier safety strategy.

The provision requires that the Secretary assess the progress of the officials toward achieving their respective goals, and that the Secretary convey the assessments to the officials, identifying possible future performance improvements. An official's progress toward meeting the goals of a performance agreement is to be given substantial weight by the Secretary when bonuses or other achievement awards are dispersed consistent with the Department's established performance appraisal system.

Subsection (e) requires that the Secretary and the Administrator of the FMCSA assess the progress of the Administration toward achieving the goals set out in subsection (a) no less frequently than semiannually. The assessment should be conveyed to the employees of the FMCSA, and deficiencies identified. The Secretary is required to report to the Congress the results of the individual and Administration progress assessment annually.

Subsection (f) requires the Administrator of the FMCSA to designate a regulatory ombudsman to expedite rulemakings in order to meet statutory and internal departmental deadlines.

Sec. 105. Commercial motor vehicle safety advisory committee

The provision permits the establishment of a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of commercial motor vehicle safety issues. Members are appointed by the Secretary and include representatives of industry, drivers, safety advocates, manufacturers, safety enforcement officials, representatives of law enforcement agencies from border States, and other individuals affected by rulemakings. No one interest may constitute a majority. If the Secretary establishes the advisory committee, it should provide advice to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration. The committee will remain in effect until September 30, 2003.

Sec. 106. Savings provision

The savings provision is intended to provide for the orderly transfer of personnel and

property from the Office of Motor Carrier Safety to the FMCSA. The provision is also intended to ensure that legal documents and requirements that had been in effect on the date of the transfer, and proceedings in effect, will continue as if the Act had not been enacted. The savings provision also provides that lawsuits commenced against the Office of Motor Carrier Safety or its employees, in their official function, continue as if this Act had not been enacted. Further the provision assures the authority of officials of the FMCSA to continue the functions and performances that had been previously performed by officials of the Office of Motor Carrier Safety, and deems any reference to the Office of Motor Carrier Safety, or its predecessors, to apply to the FMCSA.

Sec. 107. Effective date

Subsection 107(a) provides that this Act shall take effect on the date of its enactment; except that the amendments made by section 101 which establish the Federal Motor Carrier Safety Administration, shall take effect on January 1, 2000.

Subsection (b) requires that the President's budget submission for fiscal year 2001 and each fiscal year thereafter reflect the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

Sec. 201. Disqualifications

Subsection 201(a) amends section 31310 of title 49, United States Code, to make a single violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a one-year disqualifying offense, and to make a conviction for causing a fatality through the negligent or criminal operation of a commercial motor vehicle a one-year disqualifying offense. This subsection also makes the commission of more than one violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a lifetime disqualifying offense, and to make a conviction of more than one offense of causing a fatality through the negligent or criminal operation of a commercial motor vehicle a lifetime disqualifying offense.

Subsection (b) amends section 31310 to give the Secretary emergency disqualification authority to revoke the commercial driving privileges of an individual upon a determination by the Secretary that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard. The Secretary can disqualify an individual under this provision for no more than 30 days without providing notice and an opportunity for a hearing.

Subsection (b) also amends section 31310 to require the Secretary to issue regulations establishing criteria for disqualifying from operating a commercial motor vehicle an individual who holds a commercial driver's license and who has been convicted of a serious offense involving a vehicle other than a commercial motor vehicle (CMV) resulting in the revocation, cancellation, or suspension of the individual's license, or has been convicted of a drug or alcohol-related offense involving a motor vehicle other than a commercial motor vehicle. The behavior of a CDL holder in operating vehicles other than CMV's is relevant to the CDL holder's fitness to operate a commercial motor vehicle; therefore the Secretary is directed to conduct a rulemaking to determine the appropriate minimum time periods for which a CDL holder should be disqualified, but in no case shall the time periods for which CDL holders are disqualified for such offenses be more stringent than the disqualification periods for offenses involving a commercial motor vehicle.

Subsection (c) amends section 31301 of title 49, United States Code, to add three offenses to the list of serious traffic violations for which a CDL holder can be disqualified under subsection 31310(e). The new offenses are: driving a CMV without obtaining a CDL; driving a CMV without a CDL in your possession; and driving without a required endorsement. But it shall not be a serious traffic violation if a driver cited for operating a CMV without a license in his or her possession can produce proof, before the time to appear or pay the fine for such citation, that he or she did have a valid CDL at the time of the citation.

Subsection (d) makes clarifying amendments to section 31305(b)(1) of title 49, United States Code.

Sec. 202. Requirements for State participation

Subsection 202(a) amends section 31311(a)(6) of title 49, United States Code, to require a State to request, before renewing an individual's CDL, all information about the driving record of such individual from any other State that has issued a driver's license to the individual.

Subsection (b) amends section 31311(a)(8) of such title to require a State, when notifying the Secretary, the operator of CDLIS, and the issuing State of the disqualification, revocation, suspension, or cancellation of a CDL holder's commercial driver's license, to also notify such entities of the underlying violation that resulted in such disqualification, revocation, suspension, or cancellation.

Subsection (c) revises 31311(a)(9) of such title to require a State to notify a CDL holder's home State of any violation of traffic laws committed by the CDL holder, not just violations involving a commercial motor vehicle. The subsection also requires a State to notify any State that has issued a driver's license (non-CDL) to an individual of any violation committed while the individual is operating a CMV.

Subsection (d) amends section 31311(a)(10) of such title to provide that a State may not issue any form of special license or permit, including a provisional or temporary license, to a CDL holder that would permit the CDL holder to drive a CMV during a period in which the CDL holder's license is revoked, suspended, or canceled, or the CDL holder is disqualified from operating a CMV.

Subsection (e) revises 31311(a)(13) of title 49 to provide that a State may establish penalties, with the Secretary's approval, that are consistent with chapter 313, for violations committed by an individual operating a commercial motor vehicle.

Subsection (f) adds a new paragraph 31311(a)(18) to title 49 to require the State to maintain, as part of its driver information system, a record of each violation of motor vehicle traffic control laws committed by a CDL holder, and to make to such record available upon request to the individual driver, the Secretary, employers, prospective employers. State licensing and law enforcement agencies, and their authorized agents.

Subsection (g) adds a new paragraph 31311(a)(19) to title 49 to prohibit both conviction masking and deferral programs by requiring every State to keep a complete driving record of all violations of traffic control laws (including CMV and non-CMV violations) by any individual to whom it has issued a CDL, and to make each such complete driving record available to all authorized persons and governmental entities having access to such record. This provision provides that a State may not allow information regarding such violations to be masked or withheld in any way from the record of a CDL holder.

Subsection (g) also adds a new paragraph 31311(a)(20) to title 49 to require each State to comply with the requirements of the regulation issued under 31310(g) of such title.

Sec. 203. State noncompliance

Section 203 clarifies the Secretary's authority to shut down a State's CDL program if a State is not substantially complying with Federal CDL requirements. The section permits a CDL holder or applicant to go to another State for licensing or renewal if his/her home state program has been shut down for noncompliance. This provision does not invalidate or otherwise affect commercial driver's licenses issued by a State before the State's CDL program was found to be noncompliant and shut down.

Sec. 204. Checks before issuance of driver's licenses

Section 204 amends section 30304 of title 49, United States Code, to require a State, before issuing or renewing any motor vehicle operator's license to an individual, to query both the National Driver Register (NDR) and the commercial driver's license information system (CDLIS). The intent of this provision is to close a loophole in the CDL program identified in the Department of Transportation's CDL Effectiveness Study, whereby a driver currently holding a valid CDL applies for a non-CDL without revealing or surrendering the CDL. Without a check of both NDR and CDLIS, the fact that the driver already holds a CDL at the time of application for a non-CDL can go undetected, thus defeating the fundamental ''one driver, one license'' principle behind the CDL program that prevents drivers from spreading multiple convictions over multiple licenses. The provision also amends section 31311(a)(6) to require that before issuing or renewing a commercial driver's license, the State shall request from any other State that has issued a driver's license to the individual all information about the driving record of the individual.

Sec. 205. Registration enforcement

The provision adds new subsection 13902(e) to authorize the Secretary to put a carrier out of service upon finding that the carrier is operating without authority or beyond the scope of its authority. Foreign motor carriers who operate vehicles in the U.S. are not permitted to operate in interstate commerce without evidence of registration in each motor vehicle.

SEC. 206. Delinquent payment of penalties

Subsection (a) amends section 13905(c) of title 49, United States Code, to provide that registration of a carrier, broker, or freight forwarder may be suspended, amended, or revoked for failure to pay civil penalty, or arrange and abide by a payment plan, within 90 days of the time specified by order of the Secretary for the payment of such penalty. This provision does not apply to a person unable to pay assessed penalties because a person is a debtor in a case under chapter 11 of title 11, United States Code.

Subsection (b) amends section 521(b) of title 49, United States Code, to provide that an owner or operator of a commercial motor vehicle who fails to pay an assessed civil penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty, within 90 days of the time specified by order of the Secretary for the payment of such penalty, may not operate in interstate commerce. This provision does not apply to a person unable to pay assessed penalties because the person is a debtor in a case under chapter 11 of title 11, United States. Code.

Sec. 207. State cooperation in registration enforcement

The provision amends section 31102(b) of title 49, United States Code, to clarify that State motor carrier plans shall ensure State cooperation in enforcement of registration and financial responsibility requirements in sections 13902, 13906, 31138 and 31139 of such title.

Sec. 208. Imminent hazard

The provision revises the definition of imminent hazard in section 521(b)(5)(B) of title 49, United States Code, to refer to a condition that ''substantially increases the likelihood of'' serious injury or death.

Sec. 209. Household goods amendments

Subsection 209(a) is a technical amendment to the definition of household goods in section 13102(10)(A) of title 49, United States Code, regarding certain property moving from a store or factory.

Subsection (b) increases the limit for mandatory arbitration under section 14708(b)(6) of such title from $1,000 to $5,000.

Subsection (c) requires a General Accounting Office study on the effectiveness of DOT enforcement of household goods consumer protection rules and other potential methods of enforcement, including State enforcement.

Sec. 210. New motor carrier entrant requirements

This provision requires the Secretary to initiate a rulemaking to establish minimum requirements for new motor carriers to ensure applicant carriers are knowledgeable about applicable Federal motor carrier safety standards. It requires motor carrier owners and operators who ware granted new operating authority to be reviewed by a safety inspector within eighteen months of commencing operations. The provision requires the Secretary, in establishing the elements of the safety review, to consider the impact on small businesses and to consider establishing alternative locations for conducting such reviews. It also allows the new entrant review requirements to be phased in over time to take into account the availability of certified motor carrier safety auditors and provides for designating new motor carriers as ''new entrants'' until the required review is completed.

Sec. 211. Certification of safety auditors

The provision requires the Secretary to complete a rulemaking within one year of enactment to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits. The provision prohibits private contractors from issuing safety ratings or operating authority, and authorizes the Secretary to decertify any motor carrier safety auditors.

Sec. 212. Commercial van rulemaking

This provision requires the Secretary to complete in one year an on-going rulemaking, Docket No. FHWA–99–5710, to determine which small passenger vans should be covered by Federal motor carrier safety regulations. At a minimum, the rulemaking shall apply safety regulations to commercial vans referred to as ''camionetas''—carriers providing international transportation between points in Mexico and points in the United States—and to commercial vans operating in interstate commerce outside commercial zones that have been determined to pose serious safety risks. In no case should the rulemaking be concluded to exempt all small commercial passenger carrying vans.

The managers note there have been a number of fatal accidents involving small passenger vans known as camionetas particularly in the Southern border States. In an effort to address this safety problem, the Congress has acted on two separate occasions directing the Secretary to apply Federal motor carrier safety regulations to these passenger vans. First, the definition of passenger vans was amended as part of the ICC Termination Act of 1995 with the intent of applying safety regulations to these carriers. However, the Department took no action based on this statutory requirement. Due to the lack of action by the Department to regulate these vehicles, the Congress again directed the Department to apply certain motor carrier safety regulations to those vans in the Transportation Equity Act for the 21st Century (TEA 21). The TEA 21 provision required that all commercial vans carrying more than 8 passengers to be covered by most Federal motor carrier safety rules by June 1999, except to the extent DOT exempted operations as it determined appropriate through rulemaking. The Department took no action to even initiate the statutory rulemaking by the June deadline. On September 3, 1999, the Department finally issued a rule but it actually exempted the entire class of vehicles from regulation until further notice. The managers find the Department's blatant misinterpretation of the statute unacceptable. Therefore, a provision has been included in this bill directing the Secretary to finally address this identified safety problems.

Sec. 213. 24-hour staffing of telephone hotline

The provision amends section 4017 of TEA 21 to require that the Department's toll-free telephone hotline for reporting safety violations be staffed 24 hours a day, 7 days a week, by individuals knowledgeable about Federal motor carrier safety regulations and procedures. This section also increases the funding authorization for the hotline to the level of the Department of Transportation's estimate of the cost of 24-hour coverage.

Sec. 214. CDL school bus endorsement

The provision requires the Secretary to conduct a rulemaking to establish a special CDL endorsement for drivers of school buses. The section requires, at a minimum, that the endorsement (1) include a driving skills test in a school bus, and (2) address proper safety procedures for loading and unloading children, using emergency exits, and traversing highway grade crossings.

Sec. 215. Medical certificate

The provision requires the Secretary to initiate a rulemaking to provide for the Federal medical qualification certificate to be made part of the commercial drivers' license.

Sec. 216. Implementation of inspector general recommendations

The provision requires the Secretary to implement all the DOT Inspector General's motor carrier safety improvement recommendations contained in the IG's April 1999 report assessing the effectiveness of DOT's motor carrier safety program, except to the extent to which such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act. These recommendations, found on pages 17, 18, 26, and 27 of the IG report, are as follows:

Recommendations to Improve the Effectiveness of Motor Carrier Safety Enforcement:

1. Strengthen its enforcement policy by establishing written policy and operating procedures to take strong action against motor carriers with repeat violations of the same acute or critical regulation. Strong enforcement actions would include assessing fines at the statutory maximum amount, the issuance of compliance orders, not negotiating reduced assessments, and when necessary, placing motor carriers out of service.

2. Remove all administrative restrictions on fines placed in the Uniform Fine Assessment program and increase the maximum fines to the level authorized by TEA–21.

3. Establish stiffer fines that cannot be considered a cost of doing business and, if necessary, seek appropriate legislation raising statutory penalty ceilings.

4. Implement a procedure that removes the operating authority from motor carriers that fail to pay civil penalties within 90 days after final orders are issued or settlement agreements are completed.

5. Establish criteria for determining when a motor carrier poses an imminent hazard.

6. Require follow-up visit and monitoring of those motor carriers with a less-than-satisfactory safety rating, at varying intervals, to ensure that safety improvements are sustained, or if safety has deteriorated that appropriate sanctions are invoked.

7. Establish a control mechanism that requires written justification by the OMC State Director when compliance reviews of high-risk carriers are not performed.

8. Establish a written policy and operating procedures that identify criteria and time frames for closing enforcement cases, including the current backlog.

Recommendations for Data Enhancement:

1. Require applicants requesting operating authority to provide the number of commercial vehicles they operate and the number of drivers they employ and require all motor carriers to periodically update this information.

2. Revise the grant formula and provide incentives through MSCAP grants for states to provide accurate, complete and timely commercial vehicle crash reports, vehicle and driver inspection reports and traffic violation data.

3. Withhold funds from MCSAP grants for those States that continue to report inaccurate incomplete and untimely commercial vehicle crash data, vehicle and driver inspection data and traffic violation data within a reasonable notification period such as one year.

4. Initiate a program to train local enforcement agencies for reporting of crash, roadside inspection data including associated traffic violations.

5. Standardize OMC and NHTSA crash data requirements, crash data collection procedures, and reports.

6. Obtain and analyze crash causes and fault data as a result of comprehensive crash evaluations to identify safety improvements.

The provision requires that every 90 days, beginning 90 days after enactment, the Secretary provide status reports on the implementation of recommendations. The IG would also be directed to provide the Committees with assessments of the Secretary's progress. The IG report shall include an analysis of the number of violations cited by safety inspectors, the level of fines assessed and collected for such violations, the number of cases in which there are findings of extraordinary circumstances under section 222(c) of this Act, and the circumstances in which such findings are made.

Sec. 217. Periodic refiling of motor carrier, identification reports

The provision requires periodic updating, but not more frequently than once every two years, of the Motor Carrier Identification Report, Form MCS–150, filed by each motor carrier conducting operations in interstate or foreign commerce. An initial updating of the information is required within 12 months from enactment of the Act.

Sec. 218. Border staffing standards

Subsection 218(a) requires the Secretary to develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

Subsection (b) lists the factors to be considered in developing the staffing standards.

These include the volume of traffic, hours of operation of the border facilities, types of commercial motor vehicles (including passenger vehicles) and cargo in the border areas, and the responsibilities of Federal and State inspectors.

Subsection (c) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000.

Subsection (d) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not ensured that appropriate levels of staffing consistent with the staffing standards are deployed in international border areas, the Secretary should allocate five percent of motor carrier safety assistance program funds for border commercial motor vehicle and safety enforcement programs.

Sec. 219. Foreign motor carrier penalties and disqualifications

Subsection 219(a) provides for civil penalties and disqualifications for foreign motor carriers that operate, before implementation of the land transportation provisions of NAFTA, without authority outside of a commercial zone.

Subsection (b) provides that the civil penalty for an intentional violation shall not be more than $10,000 and may include disqualification from operating in U.S. for not more than 6 months.

Subsection (c) provides that the civil penalty for a pattern of intentional violations shall not be more than $25,000; the carrier shall be disqualified from operating in the U.S., and that such disqualification may be permanent.

Subsection (d) prohibits any foreign motor carrier from leasing its motor vehicles to any other carrier to transport property in the U.S. during any period in which a suspension, condition, restriction, or limitation imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (e) provides that no provision may be enforced if inconsistent with international agreements.

Subsection (f) provides that acts committed without knowledge of the carrier or committed unintentionally are not grounds for penalty or disqualification.

Sec. 220. Traffic law initiative

The provision permits the Secretary to carry out a program with one or more States to develop innovative methods of improving motor carrier traffic law compliance, including the use of photography and other imaging technologies.

Sec. 221. State-to-Sate notification of violations data

The provision requires the Secretary to develop a uniform system to support the electronic transmission of data State-to-State on violations of all motor vehicle traffic control laws by individuals possessing a commercial driver's license.

Sec. 222. Minimum and maximum assessments

Subsection 222(a) directs the Secretary to ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver's license (CDL) laws.

Subsection (b) recommends the Secretary establish and assess minimum civil penalties for Federal motor carrier safety and CDL violations and requires the Secretary to assess the maximum civil penalty for repeat offenders or a pattern of violations.

Subsection (c) recognizes that extraordinary circumstances do arise that merit the assessment of civil penalties at a level lower than any level established under subsection (b) of this section. If the Secretary assesses such lower penalties, the Secretary must document the justification for them.

Subsection (d) requires the Secretary to conduct and submit to Congress a study of the effectiveness of revised civil penalties established in TEA 21 and this Act in ensuring compliance with Federal motor carrier safety and commercial driver's license laws.

Sec. 223. Motor carrier safety progress report

The provision directs the Secretary to submit a status report on the Department's progress in achieving its goal of reducing motor carrier fatalities by 50 percent by 2009.

Sec. 224. Study of commercial motor vehicle crash causation

Subsection (a) requires the Secretary to conduct a comprehensive study to determine the causes of, and contributing factors to, crashes involving commercial motor vehicles, including vehicles defined in section 31132(1)(B) of title 49, United States Code, and to identify the data requirements needed to improve the Department's and the States' ability to evaluate crashes and crash trends, identify crash causes and contributing factors, and develop safety measures to reduce such crashes.

Subsection (b) addresses the design of the study, requiring that it yield information to help the Department and the States identify activities likely to lead to significant reductions in commercial motor vehicle-involved crashes including crashes by commercial vans.

Subsection (c) lists the areas of expertise of the people with whom the Secretary is required to consult in conducting the study.

Subsection (d) requires the Secretary to provide for public comment on various aspects of the study.

Subsection (e) requires the Secretary to submit the results of the study to Congress, review the study at least once every five years, and update the study and report as necessary.

Subsection (f) provides $5 million in contract authority to carry out this section.

Sec. 225. Data collection and analysis

This provision directs the Secretary to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation. NHTSA, in cooperation with the new Federal Motor Carrier Safety Administration, is required to administer the program. It requires NHTSA to integrate driver citation and conviction information and provides $5 million from the FMCSA's administrative takedown to fund this program. This section also provides $5 million in contract authority for information systems under 49 U.S.C. 31106.

Sec. 226. Drug test results study

Subsection 226(a) directs the Secretary to conduct a study on the feasibility and merits of having medical review officers or employers report positive drug tests of CDL holders to the State that issued the CDL and requiring all prospective employers, before hiring any driver, to query the State that issued the driver's CDL on whether the State has on record any verified positive controlled substances test on such driver.

Subsection (b) lists factor to be considered in the study. They are: safeguarding confidentiality of test results; costs, benefits and safety impacts; and whether a process should be established to allow drivers to correct errors and expunge information from their records after a reasonable time.

Subsection (c) requires the Secretary to issue a report to Congress on the study within two years.

Sec. 227. Approval of agreements

Section 227 amends section 13703 of title 49, United States Code, by adding a new requirement to require the Surface Transportation Board to review every five years any agreement for any activities approved under section 13703. The provision also provides for the continuation of any pending cases before the Board, but prohibits certain nationwide agreements.

Sec. 228. DOT authority

This section clarifies Congressional intent with respect to the criminal investigative authority of the Department of Transportation Inspector General (IG).

When the Office of Motor Carrier Safety finds evidence of egregious criminal violations of motor carrier safety regulations through their regulatory compliance efforts, it refers these cases to the IG's Office of Investigations. Recently, a U.S. District Court concluded that an investigation undertaken by the IG exceeded its jurisdiction, see In the Matter of the Search of Northland Trucking Inc. (D.C. Arizona), finding that the motor carrier involved was not a grantee or contractor of the Department, nor was there evidence of collusion with DOT employees. This narrow construction of the IG's authority is not well grounded in law, and the managers are concerned about the adverse impacts the Order could have on IG operations. This provision, therefore, clarifies Congressional intent with respect to the authority of the IG, reaffirming the IG's ability and authority to continue to conduct criminal investigations of parties subject to DOT laws or regulations, whether or not such parties receive Federal funds from the Department.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 3419, which incorporates H.R. 2679, the Motor Carrier Safety Act. I am specially pleased to see that this bill includes provisions for Foreign Motor Carrier penalties and disqualifications.

Mexican-domiciled trucks are operating improperly in the United States and violate U.S. statutes by either not obtaining operating authority or operating beyond the scope of their authority. About 98% of these trucks are limited to operating within the commercial zones along the four southern border states, but Mexican trucks have been found as far away as Washington, New York and my home state of Illinois.

Mr. Speaker, in FY98, there were almost 24,000 safety inspections performed on drivers and/or vehicles of Mexico domiciled trucks. Forty one percent of these trucks failed to meet U.S. safety requirements, and were placed out of service for safety violations. Clearly, it is imperative that we keep these unsafe trucks off our highways.

Current law provides for only a $500 fine for those trucks operating where they are not suppose to. This bill will increase penalties for those trucks that operate without authority, raising the fines to a $10,000 fine and six month suspension maximum for the first offense and a $25,000 fine and possibly permanent suspension for subsequent offenses, a measure I strongly support.

I believe that this will minimize the number of unsafe trucks on our highways, ensuring safer roads for everybody. By moving the Office of Motor Carriers from the Federal Highway Administration, it is my hope that the Office will have the power to enforce compliance to this legislation.

I urge my colleague to join me in supporting this bill.

Mr. WOLF. Mr. Speaker, I rise in support of the bill offered by the gentleman from Pennsylvania. The Motor Carrier Safety Improvement Act of 1999 forms a new motor carrier

safety administration that is charged with improving motor carrier safety from its current deplorable state. This bill also includes a number of needed changes to the commercial drivers license program and motor carrier operations along our southern border. This is a good beginning.

For the past year, the House Appropriations Committee, and the Transportation and Infrastructure Committee, have been reviewing a variety of truck safety issues. What we found was appalling. The Office of Motor Carriers, which until recently has been housed within the Federal Highway Administration, has allowed motor carrier safety to decline dramatically. Last year 5,374 people died in truck related accidents. The year before that, 5,398 people died—a decade high. During this same period, safety reviews on trucking companies dropped from 5 per month to one per month, and civil penalties declined to $1,600. Because of this, and other problems, the Department of Transportation Inspector General, the chairman of the National Transportation Safety Board, trucking representatives, the law enforcement community, and safety advocates all agree that the Office of Motor Carriers has been ineffective in reducing trucking accidents and fatalities.

The bill before you will address many of the problems found by Congress and these groups. It will strengthen truck safety activities both at the federal and at the state levels. As noted, it creates a new safety administration, which as its name implies, will be focused on safety. It is critical Mr. Speaker, that the Secretary appoint a good and decent person to the position of administrator, who will focus on safety first, making it their daily goal to reduce the number of truck related fatalities on our nation's highways. This person should not only be knowledgeable in the area of truck safety but be free of any conflicts of interest.

Finally, Mr. Speaker, I'd like to express my appreciation, and that of the nation, to the gentleman from Pennsylvania for moving this bill. Because of his efforts, along with those of the gentlemen from Wisconsin, Minnesota and West Virginia, thousands of families across the country will be spared that terrible phone call informing them that a relative has been involved in an accident. I want the world to know Mr. Speaker, that because of Mr. SHUSTER's leadership on this issue, America's highways will be safer. He deserves our thanks.

Mr. MENENDEZ. Mr. Speaker, this bill makes our roads for drivers, passengers, and pedestrians. For too long, the Department of Transportation has neglected commercial passenger van safety. When the Transportation Equity Act for the 21st Century passed, I thought the DOT would address this issue because that was the intent of Section 4008 in the bill. Unfortunately, the DOT did not meet this intent since they chose to delay the application of Federal Motor Carrier Safety regulations to for-profit commercial passenger vans.

I am pleased that this bill forces the Department of Transportation to complete its rulemaking and not exempt all for-profit commercial passenger van operators from the final rule when it is issued.

Another problem we have and that the bill addresses is the lack of data and information on the causes of and contributing factors to crashes involving commercial motor vehicles, specifically for-profit commercial passenger vans, regardless of where they originate. We have provided the DOT with the resources and guidance to complete a comprehensive study on this issue. It is my hope that this national study will give special attention to metropolitan areas like northern New Jersey.

I want to thank the Chairman, Mr. SHUSTER, and the Ranking Member, Mr. OBERSTAR, on these two important provisions which will lead to safer travel for all those who use our roads.

Mr. PETRI. Mr. Speaker, H.R. 3419—the Motor Carrier Safety Improvement Act of 1999—is a comprehensive bill that will improve truck and bus safety by strengthening Federal and State safety programs.

The bill creates a new Federal Motor Carrier Safety Administration within the U.S. Department of Transportation (DOT) on January 1, 2000; increases funding from the Highway Trust Fund for Federal and State safety efforts; and, closes loopholes in the Commercial Driver's License (CDL) program.

For example, the bill gives the Secretary emergency authority to revoke the license of a truck or bus driver found to constitute an imminent hazard.

The Federal Motor Carrier Safety Administration is given increased funding for safety to allow for growth in the number of safety inspectors and in safety research.

The bill guarantees $195 million over the next three years from the Highway Trust Fund for motor carrier safety grants. These grants fund State safety enforcement efforts. The bill also contains a number of programmatic reforms, including the closing of loopholes in the Commercial Driver's License, setting standards for fines, and improving border safety efforts.

I am submitting a Joint Explanatory Statement on the bill that explains the provisions of the bill in more detail.

It is critical that Congress enact this legislation before the end of the session since trucking safety functions of the Department are temporarily housed in the Office of the Secretary.

If we don't pass this legislation, I am afraid that this organizational limbo will continue.

The bill is very similar to the bill that passed the House earlier this year by a vote of 415 to 5, which had bipartisan support in Committee.

This is an important bill, that truly will improve highway safety. I urge passage of this legislation.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

H.R. 3419

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Motor Carrier Safety Improvement Act of 1999''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.
Sec. 3. Findings.
Sec. 4. Purposes.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Sec. 101. Establishment of Federal Motor Carrier Safety Administration.
Sec. 102. Revenue aligned budget authority.
Sec. 103. Additional funding for motor carrier safety grant program.
Sec. 104. Motor carrier safety strategy.
Sec. 105. Commercial motor vehicle safety advisory committee.
Sec. 106. Saving provisions.
Sec. 107. Effective date.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

Sec. 201. Disqualifications.
Sec. 202. Requirements for State participation.
Sec. 203. State noncompliance.
Sec. 204. Checks before issuance of driver's licenses.
Sec. 205. Registration enforcement.
Sec. 206. Delinquent payment of penalties.
Sec. 207. State cooperation in registration enforcement.
Sec. 208. Imminent hazard.
Sec. 209. Household goods amendments.
Sec. 210. New motor carrier entrant requirements.
Sec. 211. Certification of safety auditors.
Sec. 212. Commercial van rulemaking.
Sec. 213. 24-hour staffing of telephone hotline.
Sec. 214. CDL school bus endorsement.
Sec. 215. Medical certificate.
Sec. 216. Implementation of Inspector General recommendations.
Sec. 217. Periodic refiling of motor carrier identification reports.
Sec. 218. Border staffing standards.
Sec. 219. Foreign motor carrier penalties and disqualifications.
Sec. 220. Traffic law initiative.
Sec. 221. State-to-State notification of violations data.
Sec. 222. Minimum and maximum assessments.
Sec. 223. Motor carrier safety progress report.
Sec. 224. Study of commercial motor vehicle crash causation.
Sec. 225. Data collection and analysis.
Sec. 226. Drug test results study.
Sec. 227. Approval of agreements.
Sec. 228. DOT authority.

SEC. 2. SECRETARY DEFINED.

In this Act, the term ''Secretary'' means the Secretary of Transportation.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) The current rate, number, and severity of crashes involving motor carriers in the United States are unacceptable.

(2) The number of Federal and State commercial motor vehicle and operator inspections is insufficient and civil penalties for violators must be utilized to deter future violations.

(3) The Department of Transportation is failing to meet statutorily mandated deadlines for completing rulemaking proceedings on motor carrier safety and, in some significant safety rulemaking proceedings, including driver hours-of-service regulations, extensive periods have elapsed without progress toward resolution or implementation.

(4) Too few motor carriers undergo compliance reviews and the Department's data bases and information systems require substantial improvement to enhance the Department's ability to target inspection and enforcement resources toward the most serious safety problems and to improve States' ability to keep dangerous drivers off the roads.

(5) Additional safety inspectors and inspection facilities are needed in international border areas to ensure that commercial motor vehicles, drivers, and carriers comply with United States safety standards.

(6) The Department should rigorously avoid conflicts of interest in Federally funded research.

(7) Meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries, and fatalities.

(8) Proper use of Federal resources is essential to the Department's ability to improve its research, rulemaking, oversight, and enforcement activities related to commercial motor vehicles, operators, and carriers.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to improve the administration of the Federal motor carrier safety program and to establish a Federal Motor Carrier Safety Administration in the Department of Transportation; and

(2) to reduce the number and severity of large-truck involved crashes through more commercial motor vehicle and operator inspections and motor carrier compliance reviews, stronger enforcement measures against violators, expedited completion of rulemaking proceedings, scientifically sound research, and effective commercial driver's license testing, recordkeeping and sanctions.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 113. Federal Motor Carrier Safety Administration

''(a) IN GENERAL.—The Federal Motor Carrier Safety Administration shall be an administration of the Department of Transportation.

''(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.

''(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in motor carrier safety. The Administrator shall report directly to the Secretary of Transportation.

''(d) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator appointed by the Secretary, with the approval of the President. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

''(e) CHIEF SAFETY OFFICER.—The Administration shall have an Assistant Federal Motor Carrier Safety Administrator appointed in the competitive service by the Secretary, with the approval of the President. The Assistant Administrator shall be the Chief Safety Officer of the Administration. The Assistant Administrator shall carry out the duties and powers prescribed by the Administrator.

''(f) POWERS AND DUTIES.—The Administrator shall carry out—

''(1) duties and powers related to motor carriers or motor carrier safety vested in the Secretary by chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315, and 317 and by section 18 of the Noise Control Act of 1972 (42 U.S.C. 4917; 86 Stat. 1249–1250); except as otherwise delegated by the Secretary to any agency of the Department of Transportation other than the Federal Highway Administration, as of October 8, 1999; and

''(2) additional duties and powers prescribed by the Secretary.

''(g) LIMITATION ON TRANSFER OF POWERS AND DUTIES.—A duty or power specified in subsection (f)(1) may only be transferred to another part of the Department when specifically provided by law.

''(h) EFFECT OF CERTAIN DECISIONS.—A decision of the Administrator involving a duty or power specified in subsection (f)(1) and involving notice and hearing required by law is administratively final.

''(i) CONSULTATION.—The Administrator shall consult with the Federal Highway Administrator and with the National Highway Traffic Safety Administrator on matters related to highway and motor carrier safety.''.

(b) ADMINISTRATIVE EXPENSES.—Section 104(a)(1) of title 23, United States Code, is amended—

(1) in paragraph (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving the text of such clauses 2 ems to the right;

(2) in paragraph (1) by striking ''exceed 1½ percent of all sums so made available, as the Secretary determines necessary—'' and inserting ''exceed—

''(A) 1⅙ percent of all sums so made available, as the Secretary determines necessary—'';

(3) by striking the period at the end of paragraph (1)(A)(ii) (as redesignated by paragraphs (1) and (2) of this subsection) and inserting ''; and'' and the following:

''(B) ⅓ of 1 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research.''; and—

(4) by adding at the end the following:

''(4) LIMITATION ON TRANSFERABILITY.—Unless expressly authorized by law, the Secretary may not transfer any sums deducted under paragraph (1) to a Federal agency or entity other than the Federal Highway Administration and the Federal Motor Carrier Safety Administration.''.

(c) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''113. Federal Motor Carrier Safety Administration.''.

(2) FEDERAL HIGHWAY ADMINISTRATION.—Section 104 of title 49, United States Code, is amended—

(A) in subsection (c)—

(i) by striking the semicolon at the end of paragraph (1) and inserting ''; and'';

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2);

(B) by striking subsection (d); and

(C) by redesignating subsection (e) as subsection (d).

(d) POSITIONS IN EXECUTIVE SERVICE.—

(1) ADMINISTRATOR.—Section 5314 of title 5, United States Code, is amended by inserting after

''Administrator of the National Highway Traffic Safety Administration.''

the following:

''Administrator of the Federal Motor Carrier Safety Administration.''.

(2) DEPUTY AND ASSISTANT ADMINISTRATORS.—Section 5316 of title 5, United States Code, is amended by inserting after

''Deputy Administrator of the National Highway Traffic Safety Administration.''

the following:

''Deputy Administrator of the Federal Motor Carrier Safety Administration.

''Assistant Federal Motor Carrier Safety Administrator.''.

(e) PERSONNEL LEVELS.—The number of personnel positions at the Office of Motor Carrier Safety (and, beginning on January 1, 2000, the Federal Motor Carrier Safety Administration) at its headquarters location in fiscal year 2000 shall not be increased above the level transferred from the Federal Highway Administration to the Office of Motor Carrier Safety. The Secretary shall provide detailed justifications to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for the personnel requested for fiscal years 2001, 2002, and 2003 for the Federal Motor Carrier Safety Administration when the President submits his budget, including a justification for increasing personnel at headquarters above the levels so transferred.

(f) AUTHORITY TO PROMULGATE SAFETY STANDARDS FOR RETROFITTING.—The authority under title 49, United States Code, to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary and may be delegated.

(g) CONFLICTS OF INTEREST.—

(1) COMPLIANCE WITH REGULATION.—In awarding any contract for research, the Secretary shall comply with section 1252.209–70 of title 48, Code of Federal Regulations, as in effect on the date of enactment of this section. The Secretary shall require that the text of such section be included in any request for proposal and contract for research made by the Secretary.

(2) STUDY.—

(A) IN GENERAL.—The Secretary shall conduct a study to determine whether or not compliance with the section referred to in paragraph (1) is sufficient to avoid conflicts of interest in contracts for research awarded by the Secretary and to evaluate whether or not compliance with such section unreasonably delays or burdens the awarding of such contracts.

(B) CONSULTATION.—In conducting the study under this paragraph, the Secretary shall consult, as appropriate, with the Inspector General of the Department of Transportation, the Comptroller General, the heads of other Federal agencies, research organizations, industry representatives, employee organizations, safety organizations, and other entities.

(C) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study conducted under this paragraph.

SEC. 102. REVENUE ALIGNED BUDGET AUTHORITY.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended—

(1) by redesignating the first section 110, relating to uniform transferability of Federal-aid highway funds, as section 126 and moving and inserting such section after section 125 of such chapter; and

(2) in the remaining section 110, relating to revenue aligned budget authority—

(A) in subsection (a)(2) by inserting ''and the motor carrier safety grant program'' after ''relief)''; and

(B) in subsection (b)(1)(A)—

(i) by inserting ''and the motor carrier safety grant program'' after ''program)'';

(ii) by striking ''title and'' and inserting ''title,''; and

(iii) by inserting '', and subchapter I of chapter 311 of title 49'' after ''21st Century''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended—

(1) by striking

''110. Uniform transferability of Federal-aid highway funds.'';

(2) by inserting after the item relating to section 125 the following:

''126. Uniform transferability of Federal-aid highway funds.'';

and

(3) in the item relating to section 163 by striking ''Sec.''.

SEC. 103. ADDITIONAL FUNDING FOR MOTOR CARRIER SAFETY GRANT PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to carry out section 31102 of title 49, United States Code, $75,000,000 for each of fiscal years 2001 through 2003.

(b) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—

(1) IN GENERAL.—Section 4003 of the Transportation Equity Act for the 21st Century (112 Stat. 395–398) is amended by adding at the end the following:

''(i) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—The amount made available to incur obligations to carry out section 31102 of title 49, United States Code, by section 31104(a) of such title for each of fiscal years 2001 through 2003 shall be increased by $65,000,000.''.

(2) CORRESPONDING REDUCTION TO OBLIGATION CEILING.—Section 1102 of such Act (23 U.S.C. 104 note; 112 Stat. 1115–1118) is amended by adding at the end the following:

''(j) REDUCTION IN OBLIGATION CEILING.—The limitation on obligations imposed by subsection (a) for each of fiscal years 2001 through 2003 shall be reduced by $65,000,000.''.

(c) MAINTENANCE OF EFFORT.—The Secretary may not make, from funds made available by or under this section (including any amendment made by this section), a grant to a State unless the State first enters into a binding agreement with the Secretary that provides that the total expenditures of amounts of the State and its political subdivisions (not including amounts of the United States) for the development or implementation of programs for improving motor carrier safety and enforcement of regulations, standards, and orders of the United States on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders will be maintained at a level at least equal to the average level of such expenditures for fiscal years 1997, 1998, and 1999.

(d) EMERGENCY CDL GRANTS.—Section 31107 of title 49, United States Code, is amended by adding at the end the following:

''(c) EMERGENCY CDL GRANTS.—From amounts made available by subsection (a) for a fiscal year, the Secretary of Transportation may make a grant of up to $1,000,000 to a State whose commercial driver's license program may fail to meet the compliance requirements of section 31311(a).''.

(e) STATE COMPLIANCE WITH CDL REQUIREMENTS.—

(1) WITHHOLDING OF ALLOCATION FOR NONCOMPLIANCE.—If a State is not in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall withhold all amounts that would be allocated, but for this paragraph, to the State from funds made available by or under this section (including any amendment made by this section).

(2) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under paragraph (1) from any State shall remain available until June 30 of the fiscal year for which the funds are authorized to be appropriated.

(3) ALLOCATION OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds are withheld under paragraph (1) from allocation are to remain available for allocation to a State under paragraph (2), the Secretary determines that the State is in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall allocate to the State the withheld funds.

(4) PERIOD OF AVAILABILITY OF SUBSEQUENTLY ALLOCATED FUNDS.—Any funds allocated pursuant to paragraph (3) shall remain available for expenditure until the last day of the first fiscal year following the fiscal year in which the funds are so allocated. Sums not expended at the end of such period are released to the Secretary for reallocation.

(5) EFFECT OF NONCOMPLIANCE.—If, on June 30 of the fiscal year in which funds are withheld from allocation under paragraph (1), the State is not substantially complying with each requirement of section 31311 of title 49, United States Code, the funds are released to the Secretary for reallocation.

SEC. 104. MOTOR CARRIER SAFETY STRATEGY.

(a) SAFETY GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving commercial motor vehicle, operator, and carrier safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

(1) Reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles.

(2) Improving the consistency and effectiveness of commercial motor vehicle, operator, and carrier enforcement and compliance programs.

(3) Identifying and targeting enforcement efforts at high-risk commercial motor vehicles, operators, and carriers.

(4) Improving research efforts to enhance and promote commercial motor vehicle, operator, and carrier safety and performance.

(b) CONTENTS OF STRATEGY.—

(1) MEASURABLE GOALS.—The strategy and annual plans under subsection (a) shall include, at a minimum, specific numeric or measurable goals designed to achieve the strategic goals of subsection (a). The purposes of the numeric or measurable goals are as follows:

(A) To increase the number of inspections and compliance reviews to ensure that all high-risk commercial motor vehicles, operators, and carriers are examined.

(B) To eliminate, with meaningful safety measures, the backlog of rulemakings.

(C) To improve the quality and effectiveness of data bases by ensuring that all States and inspectors accurately and promptly report complete safety information.

(D) To eliminate, with meaningful civil and criminal penalties for violations, the backlog of enforcement cases.

(E) To provide for a sufficient number of Federal and State safety inspectors, and provide adequate facilities and equipment, at international border areas.

(2) RESOURCE NEEDS.—In addition, the strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each activity. Such estimates shall also include the staff skills and training needed for timely and effective accomplishment of each goal.

(3) SAVINGS CLAUSE.—In developing and assessing progress toward meeting the measurable goals set forth in this subsection, the Secretary and the Federal Motor Carrier Safety Administrator shall not take any action that would impinge on the due process rights of motor carriers and drivers.

(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—Beginning with fiscal year 2001 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan at the same time as the President's budget submission.

(d) ANNUAL PERFORMANCE.—

(1) ANNUAL PERFORMANCE AGREEMENT.—For each of fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements:

(A) The Secretary and the Federal Motor Carrier Safety Administrator.

(B) The Administrator and the Deputy Federal Motor Carrier Safety Administrator.

(C) The Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration.

(D) The Administrator and the regulatory ombudsman of the Administration designated by the Administrator under subsection (f).

(2) GOALS.—Each annual performance agreement entered into under paragraph (1) shall include the appropriate numeric or measurable goals of subsection (b).

(3) PROGRESS ASSESSMENT.—Consistent with the current performance appraisal system of the Department of Transportation, the Secretary shall assess the progress of each official (other than the Secretary) referred to in paragraph (1) toward achieving the goals in his or her performance agreement. The Secretary shall convey the assessment to such official, including identification of any deficiencies that should be remediated before the next progress assessment.

(4) ADMINISTRATION.—In deciding whether or not to award a bonus or other achievement award to an official of the Administration who is a party to a performance agreement required by this subsection, the Secretary shall give substantial weight to whether the official has made satisfactory progress toward meeting the goals of his or her performance agreement.

(e) ACHIEVEMENT OF GOALS.—

(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Secretary and the Administrator shall assess the progress of the Administration toward achieving the strategic goals of subsection (a). The Secretary and the Administrator shall convey their assessment to the employees of the Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

(2) REPORT TO CONGRESS.—The Secretary shall report annually to Congress the contents of each performance agreement entered into under subsection (d) and the official's performance relative to the goals of the performance agreement. In addition, the Secretary shall report to Congress on the performance of the Administration relative to the goals of the motor carrier safety strategy and annual plan under subsection (a).

(f) EXPEDITING REGULATORY PROCEEDINGS.—The Administrator shall designate a regulatory ombudsman to expedite rulemaking proceedings. The Secretary and the Administrator shall each delegate to the ombudsman such authority as may be necessary for the ombudsman to expedite rulemaking proceedings of the Administration to comply with statutory and internal departmental deadlines, including authority to—

(1) make decisions to resolve disagreements between officials in the Administration who are participating in a rulemaking process; and

(2) ensure that sufficient staff are assigned to rulemaking projects to meet all deadlines.

SEC. 105. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary may establish a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of motor carrier safety issues.

(b) COMPOSITION.—The members of the advisory committee shall be appointed by the Secretary and shall include representatives of the motor carrier industry, drivers, safety advocates, manufacturers, safety enforcement officials, law enforcement agencies of border States, and other individuals affected

by rulemakings under consideration by the Department of Transportation. Representatives of a single interest group may not constitute a majority of the members of the advisory committee.

(c) FUNCTION.—The advisory committee shall provide advice to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration.

(d) TERMINATION DATE.—The advisory committee shall remain in effect until September 30, 2003.

SEC. 106. SAVINGS PROVISION.

(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act and the amendments made by this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Federal Motor Carrier Safety Administration by this Act shall be transferred to the Administration for use in connection with the functions transferred, and unexpended balances of appropriations, allocations, and other funds of the Office of Motor Carrier Safety (including any predecessor entity) shall also be transferred to the Administration.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Office, any officer or employee of the Office, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act or the amendments made by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Administration, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Office at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) ORDERLY TRANSFER.—The Secretary is authorized to provide for the orderly transfer of pending proceedings from the Office.

(d) SUITS.—

(1) IN GENERAL.—This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) SUITS BY OR AGAINST OMCS.—Any suit by or against the Office begun before January 1, 2000, shall be continued, insofar as it involves a function retained and transferred under this Act, with the Administration (to the extent the suit involves functions transferred to the Administration under this Act) substituted for the Office.

(3) REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case to the Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Office shall abate by reason of the enactment of this Act. No cause of action by or against the Office, or by or against any officer thereof in his official capacity, shall abate by reason of enactment of this Act.

(f) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act or the amendments made by this Act.

(g) REFERENCES.—Any reference to the Office in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Office or an officer or employee of the Office is deemed to refer to the Administration or a member or employee of the Administration, as appropriate.

SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on the date of enactment of this Act; except that the amendments made by section 101 shall take effect on January 1, 2000.

(b) BUDGET SUBMISSIONS.—The President's budget submission for fiscal year 2001 and each fiscal year thereafter shall reflect the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

SEC. 201. DISQUALIFICATIONS.

(a) DRIVING WHILE DISQUALIFIED AND CAUSING A FATALITY.—

(1) FIRST VIOLATION.—Section 31310(b)(1) of title 49, United States Code, is amended—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following:

''(D) committing a first violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle; or

''(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.''.

(2) SECOND AND MULTIPLE VIOLATIONS.—Section 31310(c)(1) of such title is amended—

(A) by striking ''or'' at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F);

(C) by inserting after subparagraph (C) the following:

''(D) committing more than one violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle;

''(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle; or''; and

(D) in subparagraph (F) (as redesignated by subparagraph (B) of this paragraph) by striking ''clauses (A)–(C) of this paragraph'' and inserting ''subparagraphs (A) through (E)''.

(3) CONFORMING AMENDMENT.—Section 31301(12)(C) of such title is amended by inserting '', other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies'' after ''a fatality''.

(b) EMERGENCY DISQUALIFICATION; NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31310 of such title is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), respectively;

(2) by inserting after subsection (e) the following:

''(f) EMERGENCY DISQUALIFICATION.—

''(1) LIMITED DURATION.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for not to exceed 30 days if the Secretary determines that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

''(2) AFTER NOTICE AND HEARING.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for more than 30 days if the Secretary determines, after notice and an opportunity for a hearing, that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

''(g) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—

''(1) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations providing for the disqualification by the Secretary from operating a commercial motor vehicle of an individual who holds a commercial driver's license and who has been convicted of—

''(A) a serious offense involving a motor vehicle (other than a commercial motor vehicle) that has resulted in the revocation, cancellation, or suspension of the individual's license; or

''(B) a drug or alcohol related offense involving a motor vehicle (other than a commercial motor vehicle).

''(2) REQUIREMENTS FOR REGULATIONS.—Regulations issued under under paragraph (1) shall establish the minimum periods for which the disqualifications shall be in effect, but in no case shall the time periods for disqualification for noncommercial motor vehicle violations be more stringent than those for offenses or violations involving a commercial motor vehicle. The Secretary shall determine such periods based on the seriousness of the offenses on which the convictions are based.''; and

(3) in subsection (h) (as redesignated by paragraph (1) of this subsection) by striking ''(b)–(e)'' each place it appears and inserting ''(b) through (g)''.

(c) SERIOUS TRAFFIC VIOLATIONS.—Section 31301(12) of such title is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (G); and

(3) by inserting after subparagraph (C) the following:

''(D) driving a commercial motor vehicle when the individual has not obtained a commercial driver's license;

''(E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver's license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver's license on the date of the citation;

''(F) driving a commercial motor vehicle when the individual has not met the minimum testing standards—

''(i) under section 31305(a)(3) for the specific class of vehicle the individual is operating; or

''(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and''.

(d) CONFORMING AMENDMENTS.—Section 31305(b)(1) of such title is amended—

(1) by striking ''to operate the vehicle''; and

(2) by inserting before the period at the end ''to operate the vehicle and has a commercial driver's license to operate the vehicle''.

SEC. 202. REQUIREMENTS FOR STATE PARTICIPATION.

(a) REQUESTS FOR DRIVING RECORD INFORMATION.—Section 31311(a)(6) of title 49, United States Code, is amended—

(1) by inserting ''or renewing such a license'' before the comma; and

(2) by striking ''commercial'' the second place it appears.

(b) RECORDING OF VIOLATIONS.—Section 31311(a)(8) of such title is amended by inserting before the period at the end the following: '', and the violation that resulted in the disqualification, revocation, suspension, or cancellation shall be recorded''.

(c) NOTIFICATION OF STATE OFFICIALS.—Section 31311(a)(9) of such title is amended to read as follows:

''(9) If an individual violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual—

''(A) has a commercial driver's license issued by another State; or

''(B) is operating a commercial vehicle without a commercial driver's license and has a driver's license issued by another State;

the State in which the violation occurred shall notify a State official designated by the issuing State of the violations not later than 10 days after the date the individual is found to have committed the violation.''.

(d) PROVISIONAL LICENSES.—Section 31311(a)(10) of such title is amended—

(1) by striking ''(10)'' and inserting ''(10)(A); and

(2) by adding at the end the following:

''(B) The State may not issue a special license or permit (including a provisional or temporary license) to an individual who holds a commercial driver's license that permits the individual to drive a commercial motor vehicle during a period in which—

''(i) the individual is disqualified from operating a commercial motor vehicle; or

''(ii) the individual's driver's license is revoked, suspended, or canceled.''.

(e) PENALTIES.—Section 31311(a)(13) of such title is amended—

(1) by inserting ''consistent with this chapter that'' after ''penalties''; and

(2) by striking ''vehicle'' the first place it appears and all that follows through the period at the end and inserting ''vehicle.''.

(f) RECORDS OF VIOLATIONS.—Section 31311(a) of such title is amended by adding at the end the following:

''(18) The State shall maintain, as part of its driver information system, a record of each violation of a State or local motor vehicle traffic control law while operating a motor vehicle (except a parking violation) for each individual who holds a commercial driver's license. The record shall be available upon request to the individual, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.''.

(g) MASKING.—Section 31311(a) of such title is further amended by adding at the end the following:

''(19) The State shall—

''(A) record in the driving record of an individual who has a commercial driver's license issued by the State; and

''(B) make available to all authorized persons and governmental entities having access to such record,

all information the State receives under paragraph (9) with respect to the individual and every violation by the individual involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such violation, as the case may be. The State may not allow information regarding such violations to be withheld or masked in any way from the record of an individual possessing a commercial driver's license.''.

(h) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31311(a) of such title is further amended by adding at the end the following:

''(20) The State shall revoke, suspend, or cancel the commercial driver's license of an individual in accordance with regulations issued by the Secretary to carry out section 31310(g).''.

SEC. 203. STATE NONCOMPLIANCE.

(a) IN GENERAL.—Chapter 313 of title 49, United States Code, is amended by inserting after section 31311 the following:

''§ 31312. Decertification authority

''(a) IN GENERAL.—If the Secretary of Transportation determines that a State is in substantial noncompliance with this chapter, the Secretary shall issue an order to—

''(1) prohibit that State from carrying out licensing procedures under this chapter; and

''(2) prohibit that State from issuing any commercial driver's licenses until such time the Secretary determines such State is in substantial compliance with this chapter.

''(b) EFFECT ON OTHER STATES.—A State (other than a State subject to an order under subsection (a)) may issue a non-resident commercial driver's license to an individual domiciled in a State that is prohibited from such activities under subsection (a) if that individual meets all requirements of this chapter and the nonresident licensing requirements of the issuing State.

''(c) PREVIOUSLY ISSUED LICENSES.—Nothing in this section shall be construed as invalidating or otherwise affecting commercial driver's licenses issued by a State before the date of issuance of an order under subsection (a) with respect to the State.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 313 of such title is amended by inserting after the item relating to section 31311 the following:

''31312. Decertification authority.''.

SEC. 204. CHECKS BEFORE ISSUANCE OF DRIVER'S LICENSES.

Section 30304 of title 49, United States Code, is amended by adding at the end the following:

''(e) DRIVER RECORD INQUIRY.—Before issuing a motor vehicle operator's license to an individual or renewing such a license, a State shall request from the Secretary information from the National Driver Register under section 30302 and the commercial driver's license information system under section 31309 on the individual's driving record.''.

SEC. 205. REGISTRATION ENFORCEMENT.

Section 13902 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) PENALTIES FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.—In addition to other penalties available under law, motor carriers that fail to register their operations as required by this section or that operate beyond the scope of their registrations may be subject to the following penalties:

''(1) OUT-OF-SERVICE ORDERS.—If, upon inspection or investigation, the Secretary determines that a motor vehicle providing transportation requiring registration under this section is operating without a registration or beyond the scope of its registration, the Secretary may order the vehicle out-of-service. Subsequent to the issuance of the out-of-service order, the Secretary shall provide an opportunity for review in accordance with section 554 of title 5; except that such review shall occur not later than 10 days after issuance of such order.

''(2) PERMISSION FOR OPERATIONS.—A person domiciled in a country contiguous to the United States with respect to which an action under subsection (c)(1)(A) or (c)(1)(B) is in effect and providing transportation for which registration is required under this section shall maintain evidence of such registration in the motor vehicle when the person is providing the transportation. The Secretary shall not permit the operation in interstate commerce in the United States of any motor vehicle in which there is not a copy of the registration issued pursuant to this section.''.

SEC. 206. DELINQUENT PAYMENT OF PENALTIES.

(a) REVOCATION OF REGISTRATION.—Section 13905(c) of title 49, United States Code is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''On application'';

(2) by inserting ''(A)'' before ''suspend'';

(3) by striking the period at the end of the second sentence and inserting ''; and (B) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder (i) for failure to pay a civil penalty imposed under chapter 5, 51, 149, or 311 of this title, or (ii) for failure to arrange and abide by an acceptable payment plan for such civil penalty, within 90 days of the time specified by order of the Secretary for the payment of such penalty. Subparagraph (B) shall not apply to any person who is unable to pay a civil penalty because such person is a debtor in a case under chapter 11 of title 11.

''(2) REGULATIONS.—Not later than 12 months after the date of the enactment of this paragraph, the Secretary, after notice and opportunity for public comment, shall issue regulations to provide for the suspension, amendment, or revocation of a registration under this part for failure to pay a civil penalty as provided in paragraph (1)(B).''; and

(4) by indenting paragraph (1) (as designated by paragraph (1) of this section) and

aligning such paragraph with paragraph (2) of such section (as added by paragraph (3) of this section).

(b) PROHIBITED TRANSPORTATION BY COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 521(b) of such title is amended—

(1) by redesignating paragraphs (8) through (13) as paragraphs (9) through (14), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) PROHIBITION ON OPERATION IN INTERSTATE COMMERCE AFTER NONPAYMENT OF PENALTIES.—

''(A) IN GENERAL.—An owner or operator of a commercial motor vehicle against whom a civil penalty is assessed under this chapter or chapter 51, 149, or 311 of this title and who does not pay such penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty may not operate in interstate commerce beginning on the 91st day after the date specified by order of the Secretary for payment of such penalty. This paragraph shall not apply to any person who is unable to pay a civil penalty because such person is a debtor in a case under chapter 11 of title 11.

''(B) REGULATIONS.—Not later than 12 months after the date of enactment of this paragraph, the Secretary, after notice and an opportunity for public comment, shall issue regulations setting forth procedures for ordering commercial motor vehicle owners and operators delinquent in paying civil penalties to cease operations until payment has been made.''.

SEC. 207. STATE COOPERATION IN REGISTRATION ENFORCEMENT.

Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by aligning subparagraph (A) with subparagraph (B) of such section; and

(2) by striking subparagraph (R) and inserting the following:

''(R) ensures that the State will cooperate in the enforcement of registration requirements under section 13902 and financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;''.

SEC. 208. IMMINENT HAZARD.

Section 521(b)(5)(B) of title 49, United States Code, is amended by striking ''is likely to result in'' and inserting ''substantially increases the likelihood of''.

SEC. 209. HOUSEHOLD GOODS AMENDMENTS.

(a) DEFINITION OF HOUSEHOLD GOODS.—Section 13102(10)(A) of title 49, United States Code, is amended by striking '', including'' and all that follows through ''dwelling,'' and inserting '', except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder;''.

(b) ARBITRATION REQUIREMENTS.—Section 14708(b)(6) of such title is amended by striking ''$1,000'' each place it appears and inserting ''$5,000''.

(c) STUDY OF ENFORCEMENT OF CONSUMER PROTECTION RULES IN THE HOUSEHOLD GOODS MOVING INDUSTRY.—The Comptroller General shall conduct a study of the effectiveness of the Department of Transportation's enforcement of household goods consumer protection rules under title 49, United States Code. The study shall also include a review of other potential methods of enforcing such rules, including allowing States to enforce such rules.

SEC. 210. NEW MOTOR CARRIER ENTRANT REQUIREMENTS.

(a) SAFETY REVIEWS.—Section 31144 of title 49, United States Code, is amended by adding at the end the following:

''(c) SAFETY REVIEWS OF NEW OPERATORS.—

''(1) IN GENERAL.—The Secretary shall require, by regulation, each owner and each operator granted new operating authority, after the date on which section 31148(b) is first implemented, to undergo a safety review within the first 18 months after the owner or operator, as the case may be, begins operations under such authority.

''(2) ELEMENTS.—In the regulations issued pursuant to paragraph (1), the Secretary shall establish the elements of the safety review, including basic safety management controls. In establishing such elements, the Secretary shall consider their effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.

''(3) PHASE-IN OF REQUIREMENT.—The Secretary shall phase in the requirements of paragraph (1) in a manner that takes into account the availability of certified motor carrier safety auditors.

''(4) NEW ENTRANT AUTHORITY.—Notwithstanding any other provision of this title, any new operating authority granted after the date on which section 31148(b) is first implemented shall be designated as new entrant authority until the safety review required by paragraph (1) is completed.''.

(b) MINIMUM REQUIREMENTS.—The Secretary shall initiate a rulemaking to establish minimum requirements for applicant motor carriers, including foreign motor carriers, seeking Federal interstate operating authority to ensure applicant carriers are knowledgeable about applicable Federal motor carrier safety standards. As part of that rulemaking, the Secretary shall consider the establishment of a proficiency examination for applicant motor carriers as well as other requirements to ensure such applicants understand applicable safety regulations before being granted operating authority.

SEC. 211. CERTIFICATION OF SAFETY AUDITORS.

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended by adding at the end the following:

''§ 31148. Certified motor carrier safety auditors

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation shall complete a rulemaking to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits and reviews described in subsection (b).

''(b) CERTIFIED INSPECTION AUDIT REQUIREMENT.—Not later than 1 year after completion of the rulemaking required by subsection (a), any safety inspection audit or review required by, or based on the authority of, this chapter or chapter 5, 313, or 315 of this title and performed after December 31, 2002, shall be conducted by—

''(1) a motor carrier safety auditor certified under subsection (a); or

''(2) a Federal or State employee who, on the date of enactment of this section, was qualified to perform such an audit or review.

''(c) EXTENSION.—If the Secretary determines that subsection (b) cannot be implemented within the 1-year period established by that subsection and notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination and the reasons therefor, the Secretary may extend the deadline for compliance with subsection (b) by not more than 12 months.

''(d) APPLICATION WITH OTHER AUTHORITY.—The Secretary may not delegate the Secretary's authority to private contractors to issue ratings or operating authority, and nothing in this section authorizes any private contractor to issue ratings or operating authority.

''(e) OVERSIGHT RESPONSIBILITY.—The Secretary shall have authority over any motor carrier safety auditor certified under subsection (a), including the authority to decertify a motor carrier safety auditor.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter 311 is amended by adding at the end the following:

''31148. Certified motor carrier safety auditors.''.

SEC. 212. COMMERCIAL VAN RULEMAKING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall complete Department of Transportation's rulemaking, Docket No. FHWA–99–5710, to amend Federal motor carrier safety regulations to determine which motor carriers operating commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver) for compensation shall be covered. At a minimum, the rulemaking shall apply such regulations to—

(1) commercial vans commonly referred to as ''camionetas''; and

(2) those commercial vans operating in interstate commerce outside commercial zones that have been determined to pose serious safety risks.

In no case should the rulemaking exempt from such regulations all motor carriers operating commercial vehicles designed or used to transport between 9 and 15 passengers (including the driver) for compensation.

SEC. 213. 24-HOUR STAFFING OF TELEPHONE HOTLINE.

Section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

''(c) STAFFING.—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures.''; and

(3) in subsection (e) (as redesignated by paragraph (1) of this section)—

(A) by striking ''104(a)'' and inserting ''104(a)(1)(B)''; and

(B) by striking ''for each of fiscal years 1999'' and inserting ''for fiscal year 1999 and $375,000 for each of fiscal years 2000''.

SEC. 214. CDL SCHOOL BUS ENDORSEMENT.

The Secretary shall conduct a rulemaking to establish a special commercial driver's license endorsement for drivers of school buses. The endorsement shall, at a minimum—

(1) include a driving skills test in a school bus; and

(2) address proper safety procedures for—±

(A) loading and unloading children;

(B) using emergency exits; and

(C) traversing highway rail grade crossings.

SEC. 215. MEDICAL CERTIFICATE.

The Secretary shall initiate a rulemaking to provide for a Federal medical qualification certificate to be made a part of commercial driver's licenses.

SEC. 216. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's

Report TR–1999–091, except to the extent that such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act, including any amendments made by such sections.

(b) REPORTS TO CONGRESS.—

(1) REPORTS BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(2) REPORTS BY THE INSPECTOR GENERAL.—The Inspector General shall periodically transmit to the Committees referred to in paragraph (1) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and analyzing the number of violations cited by safety inspectors and the level of fines assessed and collected for such violations, and of the number of cases in which there are findings of extraordinary circumstances under section 222(c) of this Act and the circumstances in which these findings are made.

SEC. 217. PERIODIC REFILING OF MOTOR CARRIER IDENTIFICATION REPORTS.

The Secretary shall amend section 385.21 of the Department of Transportation's regulations (49 C.F.R. 385.21) to require periodic updating, not more frequently than once every 2 years, of the motor carrier identification report, form MCS–150, filed by each motor carrier conducting operations in interstate or foreign commerce. The initial update shall occur not later than 1 year after the date of enactment of this Act.

SEC. 218. BORDER STAFFING STANDARDS.

(a) DEVELOPMENT AND IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

(b) FACTORS TO BE CONSIDERED.—In developing standards under subsection (a), the Secretary shall consider volume of traffic, hours of operation of the border facility, types of commercial motor vehicles, types of cargo, delineation of responsibility between Federal and State inspectors, and such other factors as the Secretary determines appropriate.

(c) MAINTENANCE OF EFFORT.—The standards developed and implemented under subsection (a) shall ensure that the United States and each State will not reduce its respective level of staffing of motor carrier safety inspectors in international border areas from its average level staffing for fiscal year 2000.

(d) BORDER COMMERCIAL MOTOR VEHICLE AND SAFETY ENFORCEMENT PROGRAMS.—

(1) ENFORCEMENT.—If, on October 1, 2001, and October 1 of each fiscal year thereafter, the Secretary has not ensured that the levels of staffing required by the standards developed under subsection (a) are deployed, the Secretary should designate the amount made available for allocation under section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects.

(2) ALLOCATION.—If the Secretary makes a designation of an amount under paragraph (1), such amount shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

(3) LIMITATION.—If the Secretary makes a designation pursuant to paragraph (1) for a fiscal year, the Secretary may not make a designation under section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year.

SEC. 219. FOREIGN MOTOR CARRIER PENALTIES AND DISQUALIFICATIONS.

(a) GENERAL RULE.—Subject to subsections (b) and (c), a foreign motor carrier or foreign motor private carrier (as such terms are defined under section 13102 of title 49, United States Code) that operates without authority, before the implementation of the land transportation provisions of the North American Free Trade Agreement, outside the boundaries of a commercial zone along the United States-Mexico border shall be liable to the United States for a civil penalty and shall be disqualified from operating a commercial motor vehicle anywhere within the United States as provided in subsections (b) and (c).

(b) PENALTY FOR INTENTIONAL VIOLATION.—The civil penalty for an intentional violation of subsection (a) by a carrier shall not be more than $10,000 and may include a disqualification from operating a commercial motor vehicle anywhere within the United States for a period of not more than 6 months.

(c) PENALTY FOR PATTERN OF INTENTIONAL VIOLATIONS.—The civil penalty for a pattern of intentional violations of subsection (a) by a carrier shall not be more than $25,000 and the carrier shall be disqualified from operating a commercial motor vehicle anywhere within the United States and the disqualification may be permanent.

(d) LEASING.—Before the implementation of the land transportation provisions of the North American Free Trade Agreement, during any period in which a suspension, condition, restriction, or limitation imposed under section 13902(c) of title 49, United States Code, applies to a motor carrier (as defined in section 13902(e) of such title), that motor carrier may not lease a commercial motor vehicle to another motor carrier or a motor private carrier to transport property in the United States.

(e) SAVINGS CLAUSE.—No provision of this section may be enforced if it is inconsistent with any international agreement of the United States.

(f) ACTS OF EMPLOYEES.—The actions of any employee driver of a foreign motor carrier or foreign motor private carrier committed without the knowledge of the carrier or committed unintentionally shall not be grounds for penalty or disqualification under this section.

SEC. 220. TRAFFIC LAW INITIATIVE.

(a) IN GENERAL.—In cooperation with one or more States, the Secretary may carry out a program to develop innovative methods of improving motor carrier compliance with traffic laws. Such methods may include the use of photography and other imaging technologies.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of any program conducted under this section, together with any recommendations as the Secretary determines appropriate.

SEC. 221. STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA.

(a) DEVELOPMENT.—In cooperation with the States, the Secretary shall develop a uniform system to support the electronic transmission of data State-to-State on convictions for all motor vehicle traffic control law violations by individuals possessing a commercial drivers' licenses as required by paragraphs (9) and (19) of section 31311(a) of title 49, United States Code.

(b) STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the implementation of this section.

SEC. 222. MINIMUM AND MAXIMUM ASSESSMENTS.

(a) IN GENERAL.—The Secretary of Transportation should ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(b) ESTABLISHMENT.—The Secretary—

(1) should establish and assess minimum civil penalties for each violation of a law referred to in subsection (a); and

(2) shall assess the maximum civil penalty for each violation of a law referred to in subsection (a) by any person who is found to have committed a pattern of violations of critical or acute regulations issued to carry out such a law or to have previously committed the same or a related violation of critical or acute regulations issued to carry out such a law.

(c) EXTRAORDINARY CIRCUMSTANCES.—If the Secretary determines and documents that extraordinary circumstances exist which merit the assessment of any civil penalty lower than any level established under subsection (b), the Secretary may assess such lower penalty. In cases where a person has been found to have previously committed the same or a related violation of critical or acute regulations issued to carry out a law referred to in subsection (a), extraordinary circumstances may be found to exist when the Secretary determines that repetition of such violation does not demonstrate a failure to take appropriate remedial action.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall conduct a study of the effectiveness of the revised civil penalties established in the Transportation Equity Act for the 21st Century and this Act in ensuring prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(2) SUBMISSION TO CONGRESS.—The Secretary shall transmit the results of such study and any recommendations to Congress by September 30, 2002.

SEC. 223. MOTOR CARRIER SAFETY PROGRESS REPORT.

Not later than May 25, 2000, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a status report on the Department of Transportation's quantitative progress toward reducing motor carrier fatalities by 50 percent by the year 2009.

SEC. 224. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION.

(a) OBJECTIVES.—The Secretary shall conduct a comprehensive study to determine the causes of, and contributing factors to, crashes that involve commercial motor vehicles. The study shall also identify data requirements and collection procedures, reports, and other measures that will improve the Department of Transportation's and States' ability to—

(1) evaluate future crashes involving commercial motor vehicles;

(2) monitor crash trends and identify causes and contributing factors; and

(3) develop effective safety improvement policies and programs.

(b) DESIGN.—The study shall be designed to yield information that will help the Department and the States identify activities and other measures likely to lead to significant reductions in the frequency, severity, and rate per mile traveled of crashes involving commercial motor vehicles, including vehicles described in section 31132(1)(B) of title 49, United States Code. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented.

(c) CONSULTATION.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

(1) crash causation and prevention;

(2) commercial motor vehicles, drivers, and carriers, including passenger carriers;

(3) highways and noncommercial motor vehicles and drivers;

(4) Federal and State highway and motor carrier safety programs;

(5) research methods and statistical analysis; and

(6) other relevant topics.

(d) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(e) REPORTS.—

(1) IN GENERAL.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

(2) REVIEW AND UPDATE.—The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

(f) FUNDING.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 4003(i) of the Transportation Equity Act for the 21st Century (112 Stat. 395–398), as added by section 103(b)(1) of this Act, $5,000,000 per fiscal year shall be available only to carry out this section.

SEC. 225. DATA COLLECTION AND ANALYSIS.

(a) IN GENERAL.—In cooperation with the States, the Secretary shall carry out a program to improve the collection and analysis of data on crashes, including crash causation, involving commercial motor vehicles.

(b) PROGRAM ADMINISTRATION.—The Secretary shall administer the program through the National Highway Traffic Safety Administration in cooperation with the Federal Motor Carrier Safety Administration. The National Highway Traffic Safety Administration shall—

(1) enter into agreements with the States to collect data and report the data by electronic means to a central data repository; and

(2) train State employees and motor carrier safety enforcement officials to assure the quality and uniformity of the data.

(c) USE OF DATA.—The National Highway Traffic Safety Administration shall—

(1) integrate the data, including driver citation and conviction information; and

(2) make the data base available electronically to the Federal Motor Carrier Safety Administration, the States, motor carriers, and other interested parties for problem identification, program evaluation, planning, and other safety-related activities.

(d) REPORT.—Not later than 3 years after the date on which the improved data program begins, the Secretary shall transmit a report to Congress on the program, together with any recommendations the Secretary finds appropriate.

(e) FUNDING.—Of the amounts deducted under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(f) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—

(1) IN GENERAL.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 4003(i) of the Transportation Equity Act for the 21st Century (112 Stat. 395–398), as added by section 103(b)(1) of this Act, $5,000,000 per fiscal year shall be available only to carry out section 31106 of title 49, United States Code.

(2) AMOUNTS AS ADDITIONAL.—The amounts made available by paragraph (1) shall be in addition to amounts made available under section 31107 of title 49, United States Code.

SEC. 226. DRUG TEST RESULTS STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study of the feasibility and merits of—

(1) requiring medical review officers or employers to report all verified positive controlled substances test results on any driver subject to controlled substances testing under part 382 of title 49, Code of Federal Regulations, including the identity of each person tested and each controlled substance found, to the State that issued the driver's commercial driver's license; and

(2) requiring all prospective employers, before hiring any driver, to query the State that issued the driver's commercial driver's license on whether the State has on record any verified positive controlled substances test on such driver.

(b) STUDY FACTORS.—In carrying out the study under this section, the Secretary shall assess—

(1) methods for safeguarding the confidentiality of verified positive controlled substances test results;

(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive controlled substances test results; and

(3) whether a process should be established to allow drivers—

(A) to correct errors in their records; and

(B) to expunge information from their records after a reasonable period of time.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section, together with such recommendations as the Secretary determines appropriate.

SEC. 227. APPROVAL OF AGREEMENTS.

(a) REVIEW.—Section 13703(c) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking ''The Board'' and inserting the following:

''(1) IN GENERAL.—The Board'';

(3) by adding at the end the following:

''(2) PERIODIC REVIEW OF APPROVALS.—Subject to this section, in the 5-year period beginning on the date of enactment of this paragraph and in each 5-year period thereafter, the Board shall initiate a proceeding to review any agreement approved pursuant to this section. Any such agreement shall be continued unless the Board determines otherwise.''; and

(4) by moving the remainder of the text of paragraph (1) (as designated by paragraph (2) of this subsection), including subparagraphs (A) through (D) (as designated by paragraph (1) of this subsection), 2 ems to the right.

(b) LIMITATION.—Section 13703(d) of such title is amended to read as follows:

''(d) LIMITATION.—The Board shall not take any action that would permit the establishment of nationwide collective ratemaking authority.''.

(c) EXISTING AGREEMENTS.—Section 13703(e) of such title is amended—

(1) by striking ''Agreements'' and inserting the following:

''(1) AGREEMENTS EXISTING AS OF DECEMBER 31, 1995.—Agreements'';

(2) by adding at the end the following:

''(2) CASES PENDING AS OF DATE OF ENACTMENT.—Nothing in section 227 (other than subsection (b)) of the Motor Carrier Safety Improvement Act of 1999, including the amendments made by such section, shall be construed to affect any case brought under this section that is pending before the Board as of the date of enactment of this paragraph.''; and

(3) by aligning the left margin of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 228. DOT AUTHORITY.

(a) IN GENERAL.—The statutory authority of the Inspector General of the Department of Transportation includes authority to conduct, pursuant to Federal criminal statutes, investigations of allegations that a person or entity has engaged in fraudulent or other criminal activity relating to the programs and operations of the Department or its operating administrations.

(b) REGULATED ENTITIES.—The authority to conduct investigations referred to in subsection (a) extends to any person or entity subject to the laws and regulations of the Department or its operating administrations, whether or not they are recipients of funds from the Department or its operating administrations.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTINUING REPORTING REQUIREMENTS OF SECTION 2519 OF TITLE 18, U.S.C., BEYOND DECEMBER 21, 1999

Mr. COBLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1769) to continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Ms. LOFGREN. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee, for a brief explanation of the bill.

Mr. COBLE. Mr. Speaker, I thank the gentlewoman from California (Ms. LOFGREN) for yielding.

Mr. Speaker, the Federal Reports Elimination and Sunset Act of 1995 provided that all periodic reports provided to Congress will sunset on December 21, 1999, unless reauthorized by the Congress. The intent of the Act was to spur Congress to reexamine all the periodic reports it receives and eliminate the obsolete ones.

After careful review, the Committee on the Judiciary determined that about 40 reports out of the thousands of reports subject to sunset are required for the committee to perform its legislative and oversight duties.

Examples include the United States Department of Justice's annual report on crime statistics and the Immigration and Naturalization Service's annual statistical report.

The bill passed the House on the suspension calendar. The companion Senate bill adds two more reports which the Senate has asked to be continued. The motion which I will make will continue all the reports contained in the House bill and the two additional reports contained in the Senate bill into one bill and send it back to the Senate for passage and presentment to the President.

Ms. LOFGREN. Mr. Speaker, continuing to reserve the right to object, I would like to note that the Sunset Act itself forces Congress to reexamine the usefulness of the reports. But, as the chairman has pointed out, there are some of these reports that are very important. And I am pleased to report that there has been a bipartisan effort to identify the very same reports the chairman has mentioned today.

We believe, on a bipartisan basis, that the reports identified and preserved under this Act will continue to provide information important to legislative and to oversight processes and, in particular, that it will allow the Congress to make sure that privacy is protected. And for that reason, if no other, we do need to act today.

Mr. Speaker, I would like to add finally a note of thanks to the Committee on the Judiciary's staff that worked on this measure, my own special counsel John Flannery; Cassandra Butts in the office of the minority leader, the gentleman from Missouri (Mr. GEPHARDT); and finally, the gentleman from Missouri (Mr. GEPHARDT) himself, who really was very passionate in making sure that the privacy issues that will be protected by this bill were brought to the forefront so that we could be here today on this bipartisan basis to make sure that this is enacted.

Mr. COBLE. Mr. Speaker, if the gentlewoman will continue to yield, I think she commented about staff. I want to add the name of Jim Wilon. Jim did great work on this matter, as well.

Ms. LOFGREN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1769

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 ''Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Director of the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years from the effective date of that Act.

(3) Due to the Federal Reports Elimination Act and Sunset Act of 1995, the Administrative Office of United States Courts is not required to submit the annual report described in section 2519(3) of title 18, United States Code, as of December 21, 1999.

SEC. 3. CONTINUED REPORTING REQUIREMENTS.

(a) CONTINUED REPORTING REQUIREMENTS.—Section 2519 of title 18, United States Code, is amended by adding at the end the following:

''(4) The reports required to be filed by subsection (3) are exempted from the termination provisions of section 3003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66).''.

(b) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66) is amended—

(1) in paragraph (31), by striking ''or'' at the end;

(2) in paragraph (32), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(33) section 2519(3) of title 18, United States Code.''.

SEC. 4. ENCRYPTION REPORTING REQUIREMENTS.

Section 2519(1)(b) of title 18, United States Code, is amended by striking ''and (iv)'' and inserting ''(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)''.

SEC. 5. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting '', which report shall include information concerning—

''(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

''(2) the offense specified in the order or application, or extension of an order;

''(3) the number of investigations involved;

''(4) the number and nature of the facilities affected; and

''(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.''.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. COBLE

Mr. COBLE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute Offered by Mr. COBLE:

''Strike out all after the enacting clause of the Senate bill and insert:

SECTION 1. EXEMPTION OF CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 18, United States Code: sections 2519(3), 2709(e), 3126, and 3525(b).

(2) The following sections of title 28, United States Code: sections 522, 524(c)(6), 529, 589a(d), and 594.

(3) Section 3718(c) of title 31, United States Code.

(4) Section 9 of the Child Protection Act of 1984 (28 U.S.C. 522 note).

(5) Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997f).

(6) The following provisions of the Omnibus Crime Control and Safe Streets Act of 1968: sections 102(b) (42 U.S.C. 3712(b)), 520 (42 U.S.C. 3766), 522 (42 U.S.C. 3766b), and 810 (42 U.S.C. 3789e).

(7) The following provisions of the Immigration and Nationality Act: sections 103 (8 U.S.C. 1103), 207(c)(3) (8 U.S.C. 1157(c)(3)), 412(b) (8 U.S.C. 1522(b)), and 413 (8 U.S.C. 1523), and subsections (h), (l), (o), (q), and (r) of section 286 (8 U.S.C. 1356).

(8) Section 3 of the International Claims Settlement Act of 1949 (22 U.S.C. 1622).

(9) Section 9 of the War Claims Act of 1948 (50 U.S.C. App. 2008).

(10) Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)).

(11) Section 203(b) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c–2(b)).

(12) Section 801(e) of the Immigration Act of 1990 (29 U.S.C. 2920(e)).

(13) Section 401 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1364).

(14) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(15) Section 201(b) of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa–11(b)).

(16) Section 609U of the Justice Assistance Act of 1984 (42 U.S.C. 10509).

(17) Section 13(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(18) Section 1004 of the Civil Rights Act of 1964(42 U.S.C. 2000g–3).

(19) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414).

(20) Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621).

(21) The following provisions of the Foreign Intelligence Surveillance Act of 1978: sections 107 (50 U.S.C. 1807) and 108 (50 U.S.C. 1808).

(22) Section 102(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note).

SEC. 2. ENCRYPTION REPORTING REQUIREMENTS.

(a) Section 2519(2)(b) of title 18, United States Code, is amended by striking ''and (iv)'' and inserting ''(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)''.

(b) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

SEC. 3. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting '', which report shall include information concerning—

''(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

''(2) the offense specified in the order or application, or extension of an order;

''(3) the number of investigations involved;

''(4) the number and nature of the facilities affected; and

''(5) the identity, including district, of the applying investigative or law enforcement

agency making the application and the person authorizing the order.''.

Mr. COBLE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

''A bill to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes.''.

A motion to reconsider was laid on the table.

DIGITAL THEFT DETERRENCE AND COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 3456) to amend statutory damages provisions of title 17, U.S. Code, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. BERMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee, to just describe the legislation.

Mr. COBLE. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, H.R. 3456 is very similar to H.R. 1761, which was considered under suspension of the rules and agreed to by voice vote on August 2, 1999.

It makes significant improvements in the ability of the Copyright Act to deter copyright infringement by amending it to increase the statutory penalties for infringement. Copyright piracy, Mr. Speaker, is flourishing in the world. With the advanced technologies available and the fact that many computer users are either ignorant of the copyright laws or simply believe that they will not be caught or punished, the piracy trend will continue.

One way to combat this problem is to increase the statutory penalties for copyright infringement so that they will be an effective deterrent to this conduct.

Another significant aspect of H.R. 3456 addresses a problem on regarding the difficulty of prosecuting crimes against intellectual property. It instructs that within 120 days on enactment of this act or within 120 days after there is a sufficient number of voting members to constitute a quorum, the United States Sentencing Commission shall promulgate emergency guideline amendments to implement the sentencing mandate in the No Electronic Theft, popularly known as the NET Act, which became law in the 105th Congress.

It is vital that the United States recognizes intellectual property rights and provides strong protection and enforcement against violation of those rights.

This legislation, Mr. Speaker, makes significant and necessary improvements to the Copyright Act. The Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary support H.R. 3456 in a bipartisan manner, and I urge its adoption today.

If I may, Mr. Speaker, at this time I have one more bill and possibly two more bills that are very brief, but I would be remiss as we conclude the first session of the 106th Congress if I did not convey my personal expressions of thanks to the distinguished gentleman from California (Mr. BERMAN), the ranking member of the subcommittee; to each Democrat and Republican member of the subcommittee; to our very fine chairman, the gentleman from Illinois (Mr. HYDE); and to the staff on both the Democrat and Republican side for the accomplishments.

And pardon our immodesty, but I think we have realized accomplishments during this first session.

Mr. BERMAN. Mr. Speaker, continuing my reservation of objection, first let me just respond to the last comment of my friend.

As he knows, and I have discussed this privately, but it was a real pleasure to be his ranking member this past year. We did get a lot done. We did it, I think, on a bipartisan basis on almost every single issue we faced and accomplished quite a bit, probably not as much as the Transportation and Infrastructure committee, but a substantial work product, much of which was in the legislation that passed as part of the non-omnibus appropriations bill.

I also want to express my appreciation to the staff both of the subcommittees and the full committees and to the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) as well for all their support.

On this particular legislation which is an important bill, it comes under our obligations under the intellectual property provisions of Article 1 of the Constitution to reassess the efficacy of our laws in protecting copyright. Toward that end, earlier this year the Committees on the Judiciary in both Houses resolved to address several concerns which have been brought to our attention regarding the deterrence of copyright infringement and penalties for such infringement in those instances when it, unfortunately, occurs.

While I support the bill that we previously passed, I concur in the passage of the bill before us tonight.

There are two key features in the legislation. First, it provides an inflation adjustment for copyright statutory damages. It has been well over a decade since we last adjusted statutory damages for inflation. Our purpose must be to provide meaningful disincentives for infringement, and to accomplish that, the cost of infringement must substantially exceed the cost of the compliance so that those who use or distribute intellectual property have incentive to comply with the law.

Secondly, passage of this bill is important to expedite the Sentencing Commission's adoption of a revised Intellectual Property sentencing guidelines. The newly confirmed Sentencing Commissioners will have 120 days to revise the Intellectual Property guideline to increase the deterrence.

In 1997, when we adopted the NET Act, we directed the Sentencing Commission to increase criminal penalties for Intellectual Property crimes. The current IP sentencing guidelines include perverse incentives that allow pirates to avoid significant prison terms. U.S. Attorneys refuse to bring copyright or trademark criminal cases because of the current weak guidelines. This bill will rectify that situation.

The new Commissioners will be required to focus on this important problem immediately. The increasing threat of intellectual property theft both in the on-line and off-line world will thus be fought with all available weapons.

Mr. Speaker, I continue my reservation of objection, and I yield to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding.

While I was praising all my colleagues on the Judiciary and on the subcommittee and, of course, intellectual property, inevitably omissions are committed and I inadvertently failed to mention the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee.

Mr. BERMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3456

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 ''Digital Theft Deterrence and Copyright Damages Improvement Act of 1999''.

SEC. 2. STATUTORY DAMAGES ENHANCEMENT.

Section 504(c) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''$500'' and inserting ''$750''; and

(B) by striking ''$20,000'' and inserting ''$30,000''; and

(2) in paragraph (2), by striking ''$100,000'' and inserting ''$150,000''.

SEC. 3. SENTENCING COMMISSION GUIDELINES.

Within 120 days after the date of the enactment of this Act, or within 120 days after the first date on which there is a sufficient number of voting members of the Sentencing Commission to constitute a quorum, whichever is later, the Commission shall promulgate emergency guideline amendments to implement section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 4. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any action brought on or after the date of the enactment of this Act, regardless of the date on which the alleged activity that is the basis of the action occurred.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES CONDEMNING RECENT HATE CRIMES IN ILLINOIS AND INDIANA

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the resolution (H. Res. 254) expressing the sense of the House of Representatives condemning recent hate crimes in Illinois and Indiana, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 254

Whereas diversity and tolerance are essential principles of an open and free society;

Whereas all people deserve to be safe within their communities, free to live, work and worship without fear of violence and bigotry;

Whereas crimes motivated by hatred against African-Americans, Jews, Asian-Americans, or other groups undermine the fundamental values of our Nation;

Whereas the communities of Skokie, the West Rogers Park neighborhood of Chicago, Northbrook, and Urbana, Illinois, and Bloomington, Indiana, were terrorized by hate crimes over the Fourth of July weekend, a time when our Nation celebrates its commitment to freedom and liberty;

Whereas hate crimes tear at the fabric of American society, leave scars on victims and their families, and weaken our sense of community and purpose;

Whereas Ricky Byrdsong, at age 43, was a loving husband and father, an inspiring community leader, and a former basketball coach at Northwestern University;

Whereas Ricky Byrdsong was a man of deep religious faith who touched the lives of countless people and whose death is mourned by his family, friends, and community, and by the Nation;

Whereas Won-Joon Yoon, at age 26, was the only son in a family of 6, and was soon to become a doctoral student in Economics at Indiana University;

Whereas Won-Joon Yoon was a man who, through his demeanor and firmly-held Christian beliefs, positively influenced those who knew him, and whose death is mourned by his family, friends, and community, and by the citizens of the United States and Korea; and

Whereas individuals who commit crimes based on hate and bigotry must be held responsible for their actions and must be stopped from spreading violence: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the senseless violence that occurred in Illinois and Indiana over the Fourth of July weekend;

(2) conveys its deepest sympathy to the victims and their families;

(3) condemns the culture of hate and the hate groups that foster such violent acts;

(4) commends the communities of Illinois and Indiana for uniting to condemn these acts of hate in their neighborhoods;

(5) commends the efforts of Federal, State, and local law enforcement officials; and

(6) reaffirms its commitment to a society that fully respects and protects all people, regardless of race, religion, or ethnicity.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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SENSE OF CONGRESS THAT CHINESE GOVERNMENT SHOULD STOP PERSECUTION OF FALUN GONG PRACTITIONERS

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 218) expressing the sense of the Congress that the Government of the People's Republic of China should stop its persecution of Falun Gong practitioners, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York to explain the bill.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H. Con. Res. 218, calling on the People's Republic of China to stop persecuting the Falun Gong practitioners which was introduced by the distinguished gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights. During the past few weeks, the leaders of the People's Republic of China have arrested, jailed, beaten and tortured thousands of peaceful followers of Falun Gong, a religious synthesis of traditional Chinese physical exercises and Buddhist and Taoist teachings. Adherents to this meditation movement have done nothing more than express their humble belief that people should be kind to one another and work on themselves to change their own lives. They are nonviolent and have not adopted any so-called foreign beliefs. They do not promote nor do they use drugs. They are not a cult. They only want to meditate, take their lives into their own hands and attempt to live productive and peaceful lives.

What in the world can be wrong with that? What sort of government finds that so threatening that it would have these good citizens arrested, tortured, dismissed from their job? What sort of government sends peaceful religious practitioners to labor camps and creates such circumstances whereby some of them felt that they had to take their own lives?

The answer to those questions is that the government of the People's Republic of China is doing just that. The same government that earlier this week threatened the State of Israel if its leaders had the audacity to meet with its holiness, the Dalai Lama. It is the same government that the Clinton administration so desperately wanted to be accepted as a member of the WTO. And it is the very same government that the State Department continues to promote military exchanges with.

Mr. Speaker, the government of China is led by those who do not share our beliefs in what is right and what is wrong. They have an agenda that is not moral. They have a purpose that is not peaceful. By their repression of Falun Gong, they demonstrate that they will use any means and methods to promote their effort to stay in power.

The repression of religion in China is a serious threat to all that civilized people hold dear. If our government and other democracies around the world continue business as usual with such a regime, we will have only ourselves to blame for the ultimate consequences.

Accordingly, I urge my colleagues to support H. Con. Res. 218.

Mr. BROWN of Ohio. Mr. Speaker, further reserving the right to object, I rise in strong support of this resolution which was introduced by my colleague on the Committee on International Relations and chairman of the Subcommittee on International Operations and Human Rights the gentleman from New Jersey (Mr. SMITH) and congratulate him on his good work.

Most Americans, and, for that matter, most Members of Congress probably had not heard of Falun Gong until last summer when the Chinese dictatorship banned and started throwing thousands of people in jail for practicing it. It is hardly surprising people that Chinese is systematically arresting, torturing and even killing its own citizens for wanting to practice their faith, which is what Falun Gong is. This is the same gang of dictators, after all, that persecutes Christians, Muslims and Buddhists and winks at forced abortions.

But even though this latest purge is completely in character, it is a perfect

illustration why we need to radically alter our relations with that dictatorship. Because when Beijing decided to make practicing Falun Gong a capital offense, which is exactly what the rubber-stamp Chinese congress did before the visit to Beijing of our trade representative Charlene Barshefsky, we are seeing that life in the People's Republic is not much different from 10 years ago when the People's Liberation Army turned its tanks and machine guns on the people in Tiananmen Square who wanted nothing less than the very same political liberty that lets us stand here tonight and debate this resolution.

As I speak there are thousands of men and women in China who are being beaten and killed for choosing to believe in ideals we take for granted in this country, whether it is our faith in God, our right to vote or simply wanting to belong to Falun Gong. As we consider, Mr. Speaker, permanent NTR next year to China, let us remember what the Communist Chinese are doing to the Falun Gong.

Mr. Speaker, further reserving the right to object. I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, 2 weeks ago I introduced H. Con. Res. 218 which already has more than 70 bipartisan cosponsors, including the chairman of the full committee the gentleman from New York (Mr. GILMAN); the gentlewoman from California (Ms. PELOSI); the gentleman from Virginia (Mr. WOLF); the gentleman from California (Mr. LANTOS); the gentleman from Ohio (Mr. BROWN); the gentleman from Pennsylvania (Mr. PITTS) and many others, condemning the crackdown of the Falun Gong spiritual movement by the government of the People's Republic of China. As we all know by now, the Chinese dictatorship has long been brutal in its suppression of religious practice that is not state-controlled. Tibetan Buddhists, Catholics loyal to the Pope, Uighur Muslims in Xinjiang Province and Protestant House Church members have all borne the brunt of a systematic and brutal persecution by the Chinese government which often includes torture. In recent months, the Chinese government has embarked on a new campaign, an attempt, in its own words, to smash Falun Gong, a peaceful and nonviolent form of spiritual practice.

A meditative spirituality that blends elements of Buddhism and Taoism, Falun Gong has millions of adherents in China and elsewhere. Since the group was banned in July of this year, thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice. There have been many credible reports of torture and inhumane treatment of detained practitioners, including a report that a 42-year-old woman was tortured to death by Chinese thugs. Numerous practitioners, Mr. Speaker, have been sentenced to labor camps without trial and thousands have lost their jobs or have been expelled from schools.

The Chinese government has also enacted laws criminalizing Falun Gong. This past Friday after a single, 7-hour closed hearing, China handed down the first sentences against Falun Gong practitioners. Three men and one woman received sentences ranging from 2 to 12 years for ''using an evil cult to obstruct the law.'' It is feared that those were only the first of what will become many trials aimed at stamping out the practice of Falun Gong. According to press reports, China will begin a new series of approximately 300 trials starting on Sunday with the trial of a 63-year-old retired schoolteacher kicking that off. This is an absolute outrage. Thankfully the House, I hope, will soon go on record condemning it.

The fact that this rash of trials follows so closely on the heels of the Beijing visit of U.N. Secretary-General Kofi Annan demonstrates the failure of his visit to advance the cause of human rights in China. I could not believe my eyes, Mr. Speaker, reading yesterday's press reports of the Secretary-General's remarks on Tuesday. Mr. Annan stated that the Chinese foreign minister had given him ''a better understanding of some of the issues involved'' in the Falun Gong crackdown. He also parroted the Chinese official line, stating that, and I quote, ''In dealing with this issue, the fundamental rights of citizens will be respected, and some of the actions they are taking are for the protection of individuals.''

Certainly Mr. Annan cannot be ignorant of the credible reports to the contrary that have been pouring out of China in recent weeks. I fear that the Secretary-General's failure to empathize with and to speak out on behalf of these oppressed people and his willingness to give the Chinese oppressors the benefit of an unjustified doubt has only emboldened them in their efforts to crush Falun Gong.

The suppression of Falun Gong in China has been brutal, it has been systematic, and it continues as we meet here tonight. Two days ago, during the Secretary-General's visit, the authorities arrested 20 more people who were practitioners of Falun Gong who were meditating in Tiananmen Square. The police used force against the group, reportedly kicking and jumping on the peaceful protesters before removing them from the square in a van.

In response to this further suppression of fundamental human rights by the Beijing dictatorship, H. Con. Res. 218 expresses the sense of the Congress that the government of the PRC should stop persecuting Falun Gong practitioners and other religious believers and expresses our belief that the U.S. Government should use every appropriate forum to urge the PRC to release all detained Falun Gong practitioners; allow those practitioners to pursue their beliefs in accordance with the Chinese constitution; and to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

Given this Chamber's commitment to freedom of conscience and the undisguised severity of the persecution against Falun Gong, I strongly urge support of this resolution.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. Further reserving the right to object, I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Speaker, I wanted to report to my colleagues that this resolution introduced by the distinguished gentleman from New Jersey (Mr. SMITH) with many other cosponsors was reported to the Subcommittee on Asia and the Pacific only lately because it was introduced on November 2. We took a look at it, made very slight rhetorical changes, cleared it with the gentleman from California (Mr. LANTOS) and the gentleman from Connecticut (Mr. GEJDENSON) on the minority side who were also cosponsors along with the gentleman from New York (Mr. GILMAN) and other distinguished members of the Congress, including some on our committee, the Committee on International Relations, and we thought it was entirely appropriate that it was reported to the floor.

The gentleman from New Jersey has highlighted some of the concerns that obviously we have with the way the Falun Gong is being treated in China. It only hurts their credibility. I think it speaks unfortunately to their legitimacy. I would hope that this is a message that they will take to heart. I urge support of the resolution.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 218

Whereas Falun Gong is a peaceful and nonviolent form of religious belief and practice with millions of adherents in China and elsewhere;

Whereas the Government of the People's Republic of China has forbidden Falun Gong practitioners to practice their faith;

Whereas this prohibition violates China's own Constitution as well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights;

Whereas thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice of Falun Gong and for appealing to the government for protection of their constitutional rights;

Whereas there are many credible reports of torture and other cruel, degrading and inhuman treatment of detained Falun Gong practitioners, including a report that a 42-year-old woman, Zhao Jinhua, was tortured to death by Chinese government officials;

Whereas the People's Republic of China has enacted new criminal legislation that the

government's official newspaper hailed as a ''powerful new weapon to smash evil cultist organizations, especially Falun Gong'';

Whereas some of the detained Falun Gong members have been charged with political offenses, such as violations of China's vague ''official state secrets'' law, and under the new legislation Falun Gong practitioners will be chargeable with such offenses as murder, fraud, and endangering national security;

Whereas other Falun Gong members have been sentenced to labor camps, apparently under administrative procedures allowing such sentences without trial;

Whereas Chinese authorities in recent months have reportedly confiscated, burned, or otherwise destroyed millions of Falun Gong books and tapes;

Whereas thousands of Falun Gong practitioners in China have lost their jobs and students have been expelled from schools for refusing to give up their beliefs; and

Whereas the brutal crackdown by the Chinese Government on Falun Gong is in direct violation of the fundamental human rights to freedom of religious belief and practice, expression, and assembly: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Government of the People's Republic of China should stop persecuting Falun Gong practitioners and other religious believers;

(2) the Government of the United States should use every appropriate public and private forum, including but not limited to the United Nations Human Rights Commission, to urge the Government of the People's Republic of China—

(A) to release from detention all Falun Gong practitioners and put an immediate end to the practices of torture and other cruel, inhuman and degrading treatment against them and other prisoners of conscience;

(B) to allow Falun Gong practitioners to pursue their religious beliefs in accordance with article 36 of the Constitution of the People's Republic of China; and

(C) to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. GILMAN:

Strike out all after the resolving clause and insert:

That it is the sense of the Congress that—

(1) the Government of the People's Republic of China should stop persecuting Falun Gong practioners; and

(2) the Government of the United States should use every appropriate public and private forum, including but not limited to the United Nations Human Rights Commission, to urge the Government of the People's Republic of China—

(A) to release from detention all Falun Gong practitioners and put an immediate end to the practices of torture and other cruel, inhuman and degrading treatment against them and other prisoners of conscience;

(B) to allow Falun Gong practitioners to pursue their personal beliefs in accordance with article 36 of the Constitution of the People's Republic of China; and

(C) to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. GILMAN).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the concurrent resolution, as amended.

The concurrent resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. Gilman:

Insert a complete new preamble as follows:

Whereas Falun Gong is a peaceful and nonviolent form of personal belief and practice with millions of adherents in China and elsewhere;

Whereas the Government of the People's Republic of China has forbidden Falun Gong practitioners to practice their beliefs;

Whereas this prohibition violates China's own Constitution as well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights;

Whereas thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice of Falun Gong and for appealing to the government for protection of their constitutional rights;

Whereas there are many credible reports of torture and other cruel, degrading and inhuman treatment of detained Falun Gong practitioners;

Whereas the People's Republic of China has enacted new criminal legislation that the government's official newspaper hailed as a ''powerful new weapon to smash evil cultist organizations, especially Falun Gong'';

Whereas some of the detained Falun Gong members have been charged with political offenses, such as violations of China's vague ''official state secrets'' law, and under the new legislation Falun Gong practitioners will be chargeable with such offenses as murder, fraud, and endangering national security;

Whereas other Falun Gong members have been sentenced to labor camps, apparently under administrative procedures allowing such sentences without trial;

Whereas Chinese authorities in recent months have reportedly confiscated, burned, or otherwise destroyed millions of Falun Gong books and tapes;

Whereas thousands of Falun Gong practitioners in China have lost their jobs and students have been expelled from schools for refusing to give up their beliefs; and

Whereas the brutal crackdown by the Chinese Government on Falun Gong is in direct violation of the fundamental human rights to freedom of personal belief and practice, expression, and assembly:

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from New York (Mr. GILMAN).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MERVYN MALCOLM DYMALLY POST OFFICE BUILDING

Mr. OSE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 642) to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the ''Mervyn Malcolm Dymally Post Office Building'', and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 642

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

SECTION 1. REDESIGNATION.

The Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, shall be known and designated as the ''Mervyn Malcolm Dymally Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Mervyn Malcolm Dymally Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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NATIONAL CHILDREN'S MEMORIAL DAY

Mr. OSE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 376) expressing the sense

of the House of Representatives in support of ''National Children's Memorial Day,'' and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 376

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime;

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one, and

Whereas Senate Resolution 118 would designate December 12, 1999, as ''Natinal Children's Memorial Day'': Now, therefore, be it

Resolved,

That the House of Representatives supports the goals and ideas of ''National Children's Memorial Day'' in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. OSE

Mr. OSE. Mr. Speaker, I offer an amendment to the preamble.

The clerk read as follows:

Amendment to the preamble offered by Mr. OSE:

Strike the final ''whereas'' clause.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from California (Mr. OSE).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA OR THE HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE AND TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOR REMAINDER OF FIRST SESSION OF 106TH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 18, 1999.

I hereby appoint the Honorable CONSTANCE A. MORELLA or, if not available to perform this duty, the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions for the remainder of the First Session of the One Hundred Sixth Congress.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designations are agreed to.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 17, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, Capitol,
Washington, DC.

DEAR MR. SPEAKER: I am transmitting herewith copies of the resolutions approved on November 10, 1999 by the Committee on Transportation and Infrastructure, as follows:

Committee survey resolutions authorizing the U.S. Army Corps of Engineers to study the following potential water resources projects: Brazoria County Shoreline, Texas; Dickinson Bayou, Texas; and for the City of Brownsville, Texas.

Committee resolution authorizing the natural Resources Conservation Service to undertake a small watershed project for the Middle Deep Red Run Creek Small Watershed, Oklahoma.

With kind regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISTURBING PATTERN OF PAKISTANI ACTIONS DEMANDS SERIOUS SCRUTINY BY THE ADMINISTRATION AND CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last Tuesday in this House we approved on a bipartisan basis a resolution congratulating the people of India and their government for the successful parliamentary elections recently concluded by that thriving democracy. I was pleased to support that resolution and to speak in favor of it.

Unfortunately, action on another resolution that has been approved by the Committee on International Relations and is ready for consideration on this floor has been delayed. That other resolution would express the strong opposition of Congress to the recent military coup in Pakistan that overthrew the civilian government. While individual members of Congress, including me, have spoken out against the Pakistani coup, it is important for the House of Representatives to go on record collectively stating that we do not tolerate the overthrow of an elected government.

I am very disappointed, Mr. Speaker, in the Republican leadership for the continued delay in bringing up this resolution. Since we are about to adjourn, it is likely the resolution is dead for this year.

Last month, Mr. Speaker, the military coup in Pakistan was one of a series of disturbing actions that deserve very close scrutiny and clear condemnation by the U.S. government, the Congress, as well as the administration. One of the most shocking of these was last week's rocket attacks against American and UN targets in the Pakistani capital of Islamabad. The rockets were aimed at buildings in the heart of the capital, including the U.S. Embassy, a library and cultural center known as the American Center, and an office tower housing several UN agencies. Thank God, no one was killed, although one person was injured, a Pakistani guard at the American Center.

Mr. Speaker, the attacks came 2 days before UN sanctions were scheduled to go into effect against the Taliban redream in neighboring Afghanistan unless that country turns over bin Laden, the international terrorist who has masterminded attacks against American and western targets in various countries. There has been solid evidence in the past linking bin Laden's operation with Pakistan, so this connection is extremely plausible.

As the New York Times reported last Saturday, November 13, the list of possible culprits is short. Apart from the Taliban itself, Pakistan is home to several well-armed paramilitary groups sympathetic to the Taliban and hostile to the United States, in addition to thousands of Pakistani militants, who, over the years have trained side-by-side, with Taliban Members in Islamic schools.

I should add, Mr. Speaker, that Pakistan has for years been identified with the violent separatist movement in India's state of Jammu and Kashmir, causing the deaths of thousands of civilians and the displacement of hundreds of thousands from their homes. Pakistan's role in selling death and destruction in Kashmir was exposed to the world earlier this year when Pakistani military leaders, many of the same elements who carried out last month's coup d'etat, precipitated a major crisis by unleashing an attack against Indian positions in the area of Kargil, along the line of control that separates India and Pakistani controlled areas of Kashmir.

Pakistan's actions were condemned by the U.S. and the international community, and Pakistan was forced to essentially withdraw. But the attacks by Pakistani forces on India army positions continued day-to-day, causing casualties on both sides and threatening the stability of the entire south Asia region.

You have to wonder, Mr. Speaker, why the U.S. continues to try to win the favor of the Pakistani regime, given the proven collaboration between Pakistan and the fundamentalist Taliban militia in Afghanistan, and with bin Laden. Bin Laden and the Taliban represent the height of violent anti-Americanism, and yet here is the Pakistani regime tolerating, if not directly supporting, the operations of these movements in their country.

We have recently seen another example of the lack of respect for democracy and the rule of law on the part of the new Pakistani military regime with the initiative to indict the deposed Prime Minister, Sharif, on trumped up charges of treason and hijacking, charges which carry the death penalty.

Mr. Speaker, I do not want to get carried away singing the praises of Mr. Sharif. He was deeply involved in the ill-fated military campaign in Kashmir earlier this year. But he was the recognized legitimate leader of the nation. He had apparently attempted to dismiss the army's Chief of Staff, General Musharraf, and, instead, the general turned the tables and dismissed the prime minister, indicating who is really in charge in Pakistan. The turn of events indicates that the notion of democratic civilian leadership and the rule of law are not well developed in Pakistan.

Reports in the last day out of Pakistan indicate that Prime Minister Sharif, who has been in military custody since he was deposed in the October 12th coup, has been moved to the port city of Karachi in a military aircraft in preparation for a court appearance.

Mr. Speaker, in conclusion, there are some who seem to welcome the seizure of military power by the military in Pakistan as a recipe for stability. I believe this is misguided thinking. First, as the rocket attacks against American targets last week indicate, the military regime is no better at maintaining stability and security than the previous civilian government. Furthermore, this year's Pakistani attack on India in Kashmir demonstrates behavior that is highly destabilizing and could lead to a wider war that would devastate much of South Asia.

It was the military brass now in charge of the country who precipitated that conflict, and who continue to promote the ongoing border incidents. Finally, the fact that Pakistan has been under military dictatorship for approximately half of its 52 years of independence inevitably led General Musharraf to conclude that it was his right to dismiss the Prime Minister, not the other way around. Until that type of thinking changes, Pakistan's prospects for stability and democracy are dim. While we may not be able to change Pakistani behavior, the United States should not be playing the role of enabler, out of cynical expediency or in the misguided belief that the military regime will bring "stability." This body should go on record expressing our condemnation of this year's turn of events in Pakistan.

COMPREHENSIVE DEBT RELIEF ADOPTED BY OMNIBUS BUDGET RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, I rise today to emphasize to my colleagues and the public that as part of the omnibus spending resolution just adopted, the United States House of Representatives has endorsed the most seminal bill ever advanced for the developing countries of the world. Comprehensive debt relief has been adopted for the poorest of the poor, many, but not all of which, are in Africa.

Relieving the debt burdens of the world's poorest countries has become one of the foremost economic, humanitarian and moral challenges of our time. Indeed, seldom has there been such a compelling conjunction between abstract economics, ethics and public policy.

In an effort to address this problem, earlier this year I introduced H.R. 1095, an act which authorizes debt relief for certain countries and conditions that relief on those countries transferring the savings from debt service obligations into poverty reduction and sustainable development.

Although initially skeptical about the breadth of this legislative approach, the administration eventually embraced it, and I am particularly appreciative of the support of Secretary Summers in this cause. In Congress, a number of our colleagues have been instrumental in bringing this initiative to the floor, and I would like to thank the gentleman from Alabama (Mr. BACHUS), the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Texas (Mr. ARMEY) on this side of the aisle, and the gentleman from New York (Mr. LAFALCE), the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. PELOSI) on the other.

That we are able to consider debt relief today is a result of extensive collaboration and dialogue with a coalition of non-traditional lobbyists. Such non-governmental organizations as OXFAM and Bread for the World have provided much needed impetus to the effort, and a group of some 200 religious groups embracing the entire spectrum of faiths and denominations have united under the banner of Jubilee 2000.

The term "jubilee" is particularly appropriate, as it invokes the Old Testament Biblical concept of restoration, providing a fresh start, in this case for the most abject poor, at the beginning of the new millennium.

A central text is Leviticus 25, which contains the injunction, "and ye shall hallow the fiftieth year, and proclaim liberty throughout all the land . . . In the year of this jubilee, you shall return every man unto his possession."

As the Book of Proverbs reminds, "If you refuse to listen to the cry of the poor, your own cry will not be heard."

The Jubilee movement is worldwide, but American leadership is critical. In recent years we have demonstrated to the world our capacity to lead in the use of force. Now we must show an equal commitment to leading in the delivery of compassion. In a world in which divisions between rich and poor daily become more accentuated, it is imperative that Jubilee relationships be righted, that the alternative to war and famine with their attendant social and capital costs be averted.

Just as the Marshall Plan symbolized practicality and generosity at the end of the greatest war in human history, debt relief under the Jubilee banner stands at the end of the second millennium after the birth of Christ as a critical moral response to social challenges in parts of the world where poverty is endemic and governments have proven unable or unwilling to serve well their people.

PROVIDING HOPE AND HELP TO FLOOD-RAVAGED NORTH CAROLINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I want to thank the Members and the Congressional and administrative staff numbering more than 500 who boarded 12 buses on Saturday, November 6, to provide hope and help to flood-ravaged Eastern North Carolina. On that day we cleaned up and fixed up places that 6 weeks after the hurricane were still saturated with water.

□ 2045

As a result of the flooding, lives have been disrupted, disturbed, and disordered. Tens of thousands were forced from their homes. Mr. Speaker, 11,000 homes were destroyed, and hundreds are living in a state of virtual homelessness. One-third of our population continues to suffer from a disaster that is unprecedented in the entire history of the State of North Carolina.

Mr. Speaker, we faced record high floodwaters covering more than 20,000 square miles, a land area greater than the size of the whole State of Maryland. Many people lost everything, their homes, their farms, their business, and their loved ones. The full amount of damage is still yet unknown.

As we begin to move from the phase of immediate relief to the phase of recovery and then rebuilding and reconstruction, many in the private sector

have been helping as well. Certainly, the Red Cross and Salvation Army have been at work. Business enterprises have stepped forward with their support. Individual citizens from across the Nation have helped. The church community is doing its part and will do more. In fact, on December 19, the church community across the country will hold a nationwide effort to gather support from various denominations to help with the housing needs, especially for those who are the working poor, disadvantaged and senior citizens.

Mr. Speaker, I believe those Members and staffers who joined us on the November 6 now have a clear view of the needs of the people of eastern North Carolina. I believe those Members and staff now understand why this Congress must indeed pass an emergency rebuilding and reconstruction package when we return in January.

When Congress returns, I and others will put before the Congress a comprehensive rebuilding and reconstruction bill. At that time, we will seek the support of our colleagues in the House and Senate, as well as the support of the administration.

One aspect of the legislation we will introduce will be the provision of grants rather than loans for those homeowners and businessowners who simply cannot be helped by loans alone. Unless we are able to provide grants, there are many, many who owned homes before the storm will not be able to afford replacement houses after the storm. Unless we are able to provide grants, there are many businesses, especially small farmers who were in business before the storm, but will not be able to return or remain in business because of the storm.

Over the years, America has come to the aid of many in foreign countries, as we should and as we must continue to do. We have helped to rebuild Europe. We have helped to boost the recovery of Japan. We have come and will continue to come again and again to the aid of Kosovo. Surely, Mr. Speaker, we can come to the aid of our fellow citizens in eastern North Carolina.

Mr. Speaker, America is at its best when conditions of our fellow citizens are at their worst. America was at its best on November 6 when those Members and staffers gave of their hearts and time and hands to those storm-torn communities and to the flood victims.

In the budget agreement we just voted on, Congress did indeed provide some immediate relief, for which I am very appreciative, although I was forced to vote against the bill because it did not contain $81 million promised by the Senate leadership for the agriculture cooperative that would have aided our tobacco farmers, our peanut and cotton farmers. There were indeed provisions in there that will provide a response to the Housing needs and additional resources for agriculture and loans and grants. I also want to thank the administration for its support.

With this budget, we have made a significant step, but only a step. Much, much more is needed before we can say that Congress has done its part. We must, indeed, do more.

TRAGEDY AT TEXAS A&M

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, as one of the last speakers to speak in this chamber in this century in terms of other than the purely procedural motion, it is with great sadness that I rise this evening to talk of a terrible tragedy that happened early this morning in College Station, Texas.

The university where I graduated from in 1972 and where my father graduated from in 1947, where my son graduated from in 1993, and my daughter in 1997, has a tradition called Bonfire. Students spend several months going out and first cutting down the logs and then transporting the logs to the campus, and then once on campus, sorting them out and stacking them together to create a bonfire which some years has been over 100 feet tall, and which this year was somewhere about 40 feet tall and was scheduled to be about 60 feet tall. Earlier this morning, somewhere between 2:30 and 3 a.m., the bonfire stack catastrophically collapsed, sending 50 to 60 students that were on the stack plummeting down. Unfortunately, at least six of them have been killed; over 20 have been injured. There are still five unaccounted for, and there is a possibility that the death toll could rise to over 10 students.

Mr. Speaker, this is a terrible tragedy for Texas A&M; it is a terrible tragedy for the families of the victims; it is a terrible tragedy for young people in our country. It is a sad, sad day in College Station, Texas.

Texas A&M truly is a family. There are over 250,000 living former students of Texas A&M, and the Aggie family, literally all over the world, is in shock and mourning for the students and their families, the students that were injured and killed and their families.

Mr. Speaker, there are a number of other Aggie traditions, one of which, unfortunately, will have to be utilized in the very near future. Silver Taps is a tradition at Texas A&M where any student that dies while an active student, there is a ceremony on campus where all of the lights are turned out in the evening, all the students gather at a common area in front of the academic building and Silver Taps are played. So sometime in December, there will be Silver Taps for the students that were killed earlier this morning and Aggies mourn their passing.

There is a memorial service that is going on as we speak. The gentleman from Texas (Mr. BRADY), whose district Texas A&M is located in, flew down to College Station earlier this afternoon to be with the students there as they have that memorial service this evening.

The bonfire has been held every year but one year since 1909. In 1963, after the assassination of President Kennedy, the bonfire was canceled. That is the only time that it has been canceled until next week. Because of the tragic accident, there will be no bonfire at Texas A&M next week before the football game between Texas University and Texas A&M.

Mr. Speaker, again, I rise in strongest sympathy this evening. I would ask all of my colleagues in the House of Representatives to pray for the families whose children have been killed or injured. I have one more daughter, Kristin, who is a senior in high school this year, and she hopes to attend Texas A&M. It is my hope that the A&M administration, President Bowen, who is an excellent academic leader and faculty leader at Texas A&M, will conduct a full investigation of this accident. If there is a way to find a cause and to prevent it from happening in the future, I know that he will do that, but I also hope that we do not cancel the bonfire in the future.

Again, hundreds of thousands of former students of Texas A&M have participated in the bonfire. With almost no exceptions, those who have participated have nothing but the warmest, fondest memories. We need to grieve for our students who lost their lives early this morning; we need to support the investigation to find the cause of that catastrophic accident, and hopefully we can come up with safety procedures so that the bonfire can continue in the future.

Mr. Speaker, I ask that all of my colleagues pray for the families of those students who lost their lives early this morning at Texas A&M.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

(Mr. UDALL of New Mexico addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 5 minutes.

(Mrs. MYRICK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. UDALL) is recognized for 5 minutes.

(Mr. UDALL of Colorado addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GIVE A KID A CHANCE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a Member of the delegation from Texas, let me join my colleague, the gentleman from Texas (Mr. BARTON), to offer my sympathy to the families of the victims of the bonfire tragedy at Texas A&M University, those who lost their lives and those who were severely injured. My sympathy to my colleague, Congressman BRADY whose district the university is in, and my sympathy to my constituents, many of whom attend Texas A&M and whose family members have attended Texas A&M. My prayers are with them and their families, and I hope that they will know that they are in our thoughts and that the university will proceed with a review of the circumstances. But I offer to them my deepest sympathy.

Mr. Speaker, today I rise on behalf of the children of America, more than 13.7 million that suffer from severe mental health disorders. When we think of the tragedies that we have discussed over the past year, the hateful acts of students allegedly in Cleveland, Ohio; the tragedy of a killing of a middle school youngster in my own community; the enormous tragedy of Columbine; the killings in Fort Worth, Texas and Jonesboro, we do know that our children need help, need aid, need nurturing, and need intervention.

Mr. Speaker, more than 13.7 million children in America suffer from severe mental disorders. I have long been an advocate for children's mental health services because I believe that good mental health is indispensable to overall good health.

Mr. Speaker, today I introduced Give a Kid a Chance Omnibus Mental Health Services Act of 1999. H.R. 3455 was offered and filed with over 42 original cosponsors. I believe that all children need access to mental health services, whether these services are provided in a private therapy session or in a group setting, in our communities, or available as an intervention method in our schools. My bill will provide mental health services to children, adolescents and their families in our schools and communities. By making these services more readily available, more accessible, more known, we can spot mental health issues in children early before we have escalated or they have escalated these incidences into violence.

Mr. Speaker, at least one in five children in adolescence has a diagnosable mental, emotional or behavioral problem that can lead to school failure, substance abuse, violence or suicide. However, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

Mr. Speaker, it is not always the kind of specialized treatment that is needed, but just to be able to give the family and parents access to some form of counseling that will be readily available that would not be distant, that would not be overly exorbitant in cost, that would not be beyond their reach. The lack of access to mental health services has resulted in an increase of children dropping out of school, becoming involved in delinquent or criminal activity and becoming involved in the juvenile justice or protective child systems.

In light of the Columbine tragedy and other violent events of the past 7 months, our children need us to pay close attention to the early signs of mental disorders. Clearly there are warning signs of trouble in young people that point to the possibility of emotional and behavioral disorders. These warning signs include isolation, depression, alienation and hostility. But if they have no access either through the community or school health services or their parents do not know where to go, these terrible warning signs can turn into actions of violence. Recognizing these signs is the first step to ensuring that the troubled youngsters get the attention they need early to address their mental health needs before it is too late.

Although the problem of youth violence cannot be traced to a single cause or source, unrecognized or unaddressed mental health disorders in children can be catastrophic. The current mental health system fails to provide a refuge for these children before they are dumped into the juvenile justice system. Two-thirds of the children who are in the juvenile justice system need mental health intervention. I believe that prevention and intervention from an early age are critical to stemming the tide of youth violence. We must put something in place to intervene in a child's life.

This bill provides for a comprehensive, community-based, culturally competent and developmentally appropriate prevention and early intervention program that provides for the identification of early mental health problems and promotes the mental health and enhances the resiliency of children from birth to adolescence and their families.

□ 2100

It incorporates families, schools and communities in an integral role in the programs. It coordinates behavioral health care services, Mr. Speaker, interventions and support in traditional and nontraditional settings and, finally, it provides a continuum of care for children from birth through adolescence along with their families.

Let me close simply, Mr. Speaker, by saying that I hope that all of my colleagues, Republicans and Democrats, will join in a unified voice in support of pushing this legislation quickly, because we are in great need of providing the kind of comfort and support of our children, intervention, support, mental health services accessible to all.

I rise today on behalf of the children—the more than 13.7 million that suffer from severe mental health disorders. I have long been an advocate for children's mental health services because I believe that good mental health is indispensable to overall good health. Today I introduced a bill, ''Give a Kid a Chance Omnibus Mental Health Services Act of 1999,'' H.R. 3455 with forty-two (42) Original Co-Sponsors.

I believe that all children need access to mental health services. Whether these services are provided in a private therapy session or in a group setting in the schools, we need to make these services available.

My bill will provide mental health services to children, adolescents and their families in the schools and communities. By making these services more readily available, we can spot mental health issues in children early before we have escalated incidents of violence.

At least one in five children and adolescents has a diagnosable mental, emotional, or behavioral problem that can lead to school failure, substance abuse, violence or suicide. However, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

The lack of access to mental health services has resulted in an increase of children dropping out of school, becoming involved in delinquent or criminal activity, and becoming involved in the juvenile justice or child protective systems.

In light of the Columbine tragedy and other violent events of the past seven months, our children need us to pay close attention to the early signs of mental disorders. Clearly, there are warning signs of trouble in young people that point to the possibility of emotional and behavioral disorders. These warning signs include isolation, depression, alienation and hostility.

Recognizing these signs is the first step to ensure that troubled youngsters get the attention they need early to address their mental health needs before it is too late. Although the problem of youth violence cannot be traced to a single cause or source, unrecognized or unaddressed mental health disorders in children can be catastrophic.

The current mental health system fails to provide a refuge for these children before they are dumped into the juvenile justice system. I believe that prevention and intervention from an early age are critical to stemming the tide of youth violence. We must put a system in place that can intervene in a child's life early on, long before the first act of violence is ever committed.

However, there is a greater need to address the mental health needs of all children, not just those who end up in the juvenile justice system. We need to address the mental health needs of all children before they become at-risk or troubled youth. Our children need to feel more comfortable about seeking help for their problems.

In preparing this legislation, I worked with a coalition of mental health professionals—psychologists, counselors, social workers and others to create comprehensive mental health legislation that will benefit all children and their families.

Mental health is indispensable to personal well-being, family and interpersonal relationships. Mental health is the basis for thinking and communication skills, learning, emotional growth, resilience and self-esteem.

There were several issues that we considered—access to services, the issue of stigma and the cultural and ethnic barriers to treatment. This bill addresses each of these concerns. Access to mental health services is key to saving this generation from self-destructive behavior.

In addition to access, there is the significant issue of stigma, particularly among the various cultural groups in this country. As we all know, there is already a significant stigma attached to mental health services for adults.

Adults need to realize that mental health is not separate from physical or bodily health. Good physical health is all encompassing, inclusive of the mind and body. As adults, we need to feel more comfortable about our own issues. We cannot continue to believe in the stigma of mental help.

We must also explore the cultural and ethnic barriers to making mental health services available to all children. In certain ethnic cultures, the issue of mental health is almost a non-issue. For example, in some cultures, a person may complain of physical discomfort when the real issue is of a psychological nature.

In addition to internal cultural barriers to mental health treatment, there are cross-cultural barriers that must be overcome. Mental health professionals must be culturally savvy and have an understanding of various cultural and ethnic backgrounds.

People from various cultural backgrounds are often mistrustful of seeking professional mental health services because of a lack of trust in the system, economic constraints, and limited awareness of the value of good mental health. The challenge to the mental health profession is to overcome these barriers to provide comprehensive treatment.

This silence ultimately harms our children. For example, in the African-American community mental health is rarely discussed and it often goes untreated in both adults and children. Depression is the most common mental health disorder affecting 10 percent of the population, yet we still do not engage in a public dialogue about this issue.

The progress we make now in terms of mental health access and treatment, erasing the stigma and overcoming the cultural barriers will be long reaching.

I urge my colleagues to add their names to the list of cosponsors of this legislation. In the next session, I look forward to this bill passing.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MALONEY) is recognized for 5 minutes.

(Mr. MALONEY of Connecticut addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)