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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. EWING).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 1, 1998.

I hereby designate the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

With all people of goodwill, O God, we ask for Your guidance and Your direction in our lives, in our communities, and in our world. Give us, we pray, the knowledge we need to chart our course and also wisdom to encompass justice and truth. Give us integrity of spirit so we can focus on the paths of righteousness just as we beseech Your mercy and Your forgiveness.

With adoration and thanksgiving, we recall how people throughout our history have sought Your blessing. And so now in our time and place, we pray for those same gifts of the spirit that will lift us up and express a unity of heart and soul.

In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1836. An act to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes.

H.R. 3412. An act to amend and make technical corrections in title III of the Small Business Investment Act.

H.R. 4110. An act to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3616) ''An Act to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1677. An act to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 2531. An act to designate a portion of Interstate Route 70 in Missouri as ''Mark McGwire Interstate Route 70''.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1355) ''An Act to designate the United States courthouse located in New Haven, Connecticut, as the 'Richard C. Lee United States Courthouse'.''

BREAST CANCER AWARENESS MONTH

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, today is a significant day. It marks the beginning of National Breast Cancer Awareness Month. While the greatest news in this battle is the number of mothers, daughters, sisters, wives and friends who survive breast cancer, we must continue to promote the importance of early detection and early diagnosis, which continue to remain our best weapons against this devastating disease.

This year alone approximately 180,000 new cases of breast cancer will be diagnosed; more than 43,000 women will die. That is why the gentleman from New Hampshire (Mr. BASS), who has shown so much concern about this problem, and I are introducing a resolution today that underscores the importance of mammograms and biopsies in the fight against breast cancer.

The Bass resolution helps raise awareness that early detection through screening mammograms and breast biopsies are vitally important. As all women know, mammograms detect lumps and biopsies confirm whether these lumps are cancerous or noncancerous. Our resolution encourages

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women to take an active role in fighting this deadly disease through regular self-examinations, annual mammograms, and breast biopsies when a lump is detected. When it is detected early, women can conquer breast cancer.

I ask my colleagues to support this vitally important resolution.

ON KOSOVO

(Mr. SKAGGS asked and was given permission to address the House for 1 minute.)

Mr. SKAGGS. Mr. Speaker, recent reports of atrocities against Kosovo civilians by Serb security forces are certainly appalling. It is further evidence of President Milosevic's criminality in repressing ethnic Albanians.

It is entirely understandable why many people would therefore support military intervention by the United Nations or by NATO with U.S. leadership. But it is very important to realize that such military action, if it were to occur with U.S. forces, needs to be a decision taken by the Congress, not by the President.

Air strikes within the borders of Yugoslavia in order to stop attacks by Serbian forces against civilians in an area that the United States recognizes as sovereign Yugoslav territory simply could not be construed as ''defensive'' within the inherent authority of the President as Commander in Chief. Rather, they would be offensive in nature, involving the invasion of the air space of a nation which has not attacked the United States.

That is the sort of action which falls within the exclusive powers of the Congress under the United States Constitution.

ALICE IN WONDERLAND

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in Alice's Adventures in Wonderland, Lewis Carroll writes the following:

> When I use a word, Humpty Dumpty said, in a rather scornful tone, it means just what I choose it to mean, neither more nor less.
>
> The question is, said Alice, whether you can make words mean so many different things.

Mr. Speaker, the Humpty Dumpty's of our political landscape use words to mean what they want them to mean. Yet the fact remains, words have very specific meanings, meanings that no common person would dispute. Alone means alone; is means is; sex means sex. No matter what mental gymnastics someone goes through. Words have meanings. When someone uses words in a court of law to mean things that they do not actually mean, that is called lying under oath. That is wrong. It is dishonorable and worthy of a congressional inquiry.

MORE ON KOSOVO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, once again genocide has reared its ugly head. Serbian President Milosevic is brutally exterminating ethnic Albanians in Kosovo. Women, children, even the elderly are being slaughtered. After all this, France says, and I quote, ''We must send a strong message.''

Beam me up, Mr. Speaker. The last I heard, NATO did not work for the Western Union. It is time for NATO to do their job. It is time for France to step up once in a while. It is time for Europe to help us out, and it is time for independence in Kosovo.

One last thing, Mr. Speaker. Milosevic must be stopped. It is about time for France to do their job, too.

TAX CUTS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, what do liberals, in the bottom of their hearts, think about tax cuts?

Well, you do not have to speculate any more because the liberals these days, from the President on down, are saying out loud exactly what they think about tax cuts. They call tax cuts an election year gimmick.

Last year the President called the people in Virginia who supported a tax cut selfish, selfish for daring to suggest that people should be able to keep more of their own money. The truth is, liberals really do believe that tax cuts are nothing more than an election year gimmick. It is simply inconceivable to the liberal mind-set that the Republicans believe as a matter of principle that the government takes too much of your money and then wastes too much of what it takes.

Allowing the people to keep more of what already belongs to them is a gimmick to liberals. To Republicans, it is a fundamental freedom issue. To people who work very hard to build a life for themselves and their family, to pursue the American dream, this must be a surprising bit of news indeed.

HMO REFORM

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute.)

Ms. SANCHEZ. Mr. Speaker, I rise today to urge the Republican Congress to step up to the plate and to pass real managed care reform. We need to fix the health insurance system to give patients the protections that they need.

After one year of ignoring the President's call for a strong, enforceable bipartisan Patients Bill of Rights, the Republican House leadership has done nothing more than pass a bill that treats cancer with Band-Aids.

We ignore at our own risk what the American people demand, and they demand health care reform. They do not want their health plan to abandon them when they need it the most.

Speaker GINGRICH once promised to let Medicare wither on the vine. This year he is going to let the Patients Bill of Rights wither on the vine. I ask, will he also let Social Security wither on the vine?

The leadership has the ability to pass legislation that protects Americans in the few days that we have left before adjournment. Will they act on behalf of millions of Americans? It is time to stop playing politics and pass HMO reform now.

BUDGET SURPLUS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Will Rogers once said that you have to be an optimist to be a Democrat and you have got to be a humorist to stay one.

Yesterday the President must have thought that he was using humor when he said that the creation of the surplus is due to the fiscal restraint and leadership of his administration. I believe the only thing that the President left out of his speech was a line from the Wizard of Oz, Toto, ''I do not think we are in Kansas anymore,'' because this make-believe yellow brick road theory that his administration is responsible for the surplus is nothing but simple pure comedy.

I think of myself as a person who recognizes and appreciates humor. I certainly did not mind laughing at the President's stand-up comedy routine yesterday. But we have thrown back the curtain and we have seen that the voice behind the curtain is a very same voice whose only budget proposal projected a $241 billion deficit for this year.

Mr. Speaker, it is time to get back to reality. It is the Republican Congress and Republican leadership that deserves the credit for this surplus. It was their commitment in 1995 to get this country on the right track back toward fiscal responsibility and fiscal stability.

WOMEN'S CONTRACEPTION

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, a bunch of fellows from this body are running around the Treasury, Postal conference committee trying to get into the contraception business, women's contraception business, that is. But women's contraception is nobody's business but theirs. Yet there is stealth action in this House to overturn a bill that passed both houses, that contraception be treated like other prescriptions in

Federal health plans. Passed unanimously in the Senate, passed twice in the House, we must not tolerate Soviet-style reversals of noncontroversial provisions.

I am outraged at a substitute that would allow only the diaphragm to be required in plans. Women need options. Some do not work. Some make us sick. There is no more sensitive issue for women than contraception. The bipartisan Women's Caucus supports the Lowey provision, and so do the majority of the House, the majority of the Senate and the majority of the American people.

ON TAX CUTS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, Americans pay on the average about 40 percent of their total household income in taxes. In 1996, recognizing this, the Republican leadership pushed for a middle class tax cut, despite the President's and most of the Democrats' objections that people who want to pay less taxes are just selfish.

Well, we are back at it again, another middle class tax cut. It has already passed the House. Marriage tax relief, ending the marriage tax penalty, relief for farmers and tax relief for the death tax penalty.

And what are the Democrats and the President saying? They are saying this is going to adversely affect Social Security. Well, what does the Director of the Congressional Budget Office say? That the tax plan has no effect on Social Security. This is a Democrat chart so the word ''effect'' is misspelled. But then, again, we knew Democrats would be reading this and we wanted to share the information with them so we had to put it in their language.

But the fact is, the point is right. The tax cut does not affect Social Security. Just how much is this? In the total budget scheme, Mr. Speaker, of $9.6 trillion, it is barely a slither of a slither of $80 billion in middle class tax relief over a 5-year period of time.

TAX RELIEF

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, people in America understand that they need tax relief. They understand that it is only fair, as we begin to balance the budget, that they get to keep part of the money they are sending to Washington. We see these two charts here that clearly point out that the amount of tax relief has no impact on Social Security.

They cannot imagine why we would possibly let the marriage penalty stay in the tax code one year longer, let alone forever. They cannot imagine why we would not do everything necessary to go ahead and make health insurance automatically deductible for small business people, once we have decided that needs to be done, rather than to wait 6 or 7 years in the future.

□ 1415

They cannot imagine why, out of $1.6 trillion in surplus, that $80 billion of that cannot go to tax relief and go to tax relief right now.

TAXPAYER PROTECTION ACT

(Mr. ENGLISH of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in my district in Western Pennsylvania people are concerned with real pocketbook issues, like having the money to send their kids to college. The Taxpayer Protection Act, which we passed last week, provides much needed tax relief for working families and middle class taxpayers by building on our previous accomplishments.

Last year, this Republican Congress provided tax exempt status to qualified state prepaid tuition account programs. These programs will allow families to buy college credits at today's prices and bank them for the future, avoiding tuition inflation and making college costs more manageable for many families on tight budgets.

The Republican tax bill goes one step further than last year's bill by leveling the playing field and awarding the same preferential tax treatment to private prepaid programs.

Mr. Speaker, the Taxpayer Relief Act helps students achieve their dream of a college education and, through it, the American dream. This is good legislation that lifts some of the tax burden on the middle class and gives them the opportunity to save for their children's college education.

THERE IS NO SURPLUS

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LINDA SMITH of Washington. Mr. Speaker, I rise today to give a reality check. The President claims the government has a surplus. All Americans need to know that this just is not true. There is no surplus.

The President was going to borrow $100 billion from Social Security to pay for his proposed current level of spending, but our good economy means now he will only borrow $35 billion. Now, the $65 billion difference that the Republicans said must be left in the Social Security Trust Fund is what the President now claims is a surplus. It is not a surplus. It is payroll taxes that the government collects to pay for Social Security checks each month.

We need to save Social Security, not spend it. That is why I voted against the tax plan, not an easy vote, because it borrows still from Social Security. Believe me, I do support tax cuts, but we need to do it without compromising Social Security.

Now, we may have a true surplus by next year. Then we can make sure that Social Security will be there when people need it. Then we can have tax cuts, too. That is my goal, Mr. Speaker.

CENSUS SAMPLING

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, from day 1, this administration has conducted affairs of state more like King George than George Washington. Its ethic has been summed up in the book title by Clinton hit-man James Carvel: ''We're Right and You're Wrong.''

Now, in the latest census sampling wrinkle, the Clinton people show they are willing to ignore Federal Court rulings in pursuit of their agenda. Two separate decisions have declared it illegal to sample the population for the purposes of congressional reapportionment. Yet administration officials continue to forge ahead anyway with plans to sample in the next census, spending millions on a discredited idea at a time when preparations for the 2000 Census are at a very critical stage.

It is almost as if the Clinton Commerce Department wants the next census to fail so that the political pressure for their sampling agenda will be even greater in 2010.

Mr. Speaker, it is past time for the President to begin enforcing the laws, even those he does not like.

PRESIDENT SHOULD NOT GO TO WAR WITHOUT CONSENT OF CONGRESS

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, a letter is presently being circulated that has been authored by my good friend and colleague, the gentleman from Colorado (Mr. SKAGGS), and myself. I would ask for my colleagues' attention to it, please, if they could sign it.

The letter is addressed to the President of the United States and it vindicates the most important obligation that we have, and that is in the area of warmaking. The Constitution says that we do not go to war unless the representatives of the people, in this House and in the other body, vote for it. It does not give the President the right to go to war on his own.

My colleagues, we are about to go to war. We are about to go to war in Kosovo. If it is the right thing, so be it. The President should make the case it is the right thing here in the people's House. Have us approve it or not. But

to go ahead without the approval of the Congress violates the Constitution and, almost as important, undercuts the sense of resolve for the important work that we may be able to accomplish in Kosovo.

I ask my colleagues to please sign the Skaggs-Campbell letter and ask the President to abide by the Constitution. Do not go to war without the approval of the American people.

REREFERRAL OF H.R. 2349, AUGUSTUS F. HAWKINS POST OFFICE BUILDING, TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. KIM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 2349) to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building,'' and that the bill be referred to the Committee on Government Reform and Oversight.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from California?

There was no objection.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS FROM COMMITTEE ON RULES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 558 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 558

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee on the legislative day of October 1 or October 2, 1998, providing for consideration or disposition of a conference report to accompany a bill or joint resolution making general appropriations for the fiscal year ending September 30, 1999, or any amendment reported in disagreement from a conference thereon.

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

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts (Mr. MOAKLEY), 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, House Resolution 558 would waive clause 4(b) of Rule XI against certain resolutions reported from the Committee on Rules. Clause 4(b) requires a two-thirds vote of the House to consider a rule on the same day it is reported from the Committee on Rules.

This resolution would apply the waiver to a special rule reported on October 1st or October 2nd, 1998, providing for consideration or disposition of a conference report to accompany a bill or a joint resolution making general appropriations for the fiscal year ending September 30th, 1999, or any amendment reported in disagreement from a conference thereon.

Mr. Speaker, this proposed waiver is essential in order for the House to consider, in a timely fashion, one or more appropriations conference reports that may be available later today or tomorrow.

I know all of my colleagues share a desire to move as expeditiously as possible through the remaining legislative matters that must be completed prior to our adjournment. Therefore, I encourage Members on both sides of the aisle to support this resolution.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my dear friend, the gentleman from Washington (Mr. HASTINGS), for yielding me the customary half-hour.

Mr. Speaker, today is the beginning of the fiscal year and, once again, my Republican colleagues have not finished their appropriations bills. As many people know, in order to keep the government open for business, President Clinton had to sign a continuing resolution last week, but we still have to pass eight appropriations bills and send them to the White House for signature. Mr. Speaker, that is a tall order. By the end of next week we have to do this.

Normally, conference reports have to be available at least 3 days before they are considered on the House floor. The idea behind that rule is very simple. It is that appropriations bills are very important spending bills and Members have to have enough time to look at them and consider them very carefully.

So although we must hurry and finish these bills before they are any more overdue, I hesitate to support such rules except in the case of extreme circumstances. Martial law rules nearly always diminish the rights of the minority, and I think my Republican colleagues have really had plenty of time to finish the appropriations process. But, Mr. Speaker, in this case the rule is narrowly focused to apply only to appropriations conference reports, and it is only in effect until the end of this week.

In all likelihood, Mr. Speaker, the Agriculture and Treasury Postal appropriations conference reports, which came before the Committee on Rules the other day, will be brought to the floor under this scenario. That means that they could be on the floor later today. These bills contain very important spending on programs from Federal drug control programs to badly needed disaster assistance for American farmers who have been very hard hit by severe weather conditions this summer. So we need to pass these bills and get them signed into law as quickly as possible.

Mr. Speaker, 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain special orders without prejudice to the resumption of legislative business until 4:30 p.m.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BAD CONDUCT IS NOT GROUNDS FOR IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in defense not of the President but rather of the Presidency.

TRENT LOTT, the majority leader of the Senate, has just spun to the press that, quote-unquote, bad conduct is grounds for impeachment. To me, this is shocking. I actually could not believe that he was serious. But, sadly, he was.

Today, we are at a turning point in this debate and we have to put this thing in park and take a break.

□ 1430

The removal of the President of the United States is different from the removal of a judge, is different from the removal of a Member of Congress or a college president. The situation cannot be equated, as it often is, with the CEO or a college president who would be removed for similar types of acts that the President is accused of.

To remove the President of the United States would be to paralyze the entire government. Because, whereas a judge, a legislator, and certainly not a private citizen represents an entire branch of government, the President is

the executive branch of government, and to suggest his removal entails a constitutional crisis and a disruption of our whole political system.

We have all been slapped in the face by not only the President's action, but also the Starr inquisition, and we have been so busy holding our cheeks that we have not even examined the evidence and made a deliberative assessment of it. I myself have educated myself about the severity of the Articles of Impeachment, and I want to share with my colleagues and the American people some of the thoughts that I have learned.

As we all know, the Congress has been down this road only twice before in American history, and we need to wake up right now as to the severity of today's issue and what it means to the Republic and this Congress's place in U.S. history.

I asked Larry Tribe, perhaps our Nation's most renowned constitutional scholar, to describe the upcoming vote to begin, just to begin, an impeachment inquiry; and his answer, my colleagues, captures everything that I want to say today.

Professor Tribe likened a vote simply to begin the impeachment proceeding to that of breaking the glass of a fire alarm, that would trigger a mad rush and a state of emergency. He said once the glass is broken and the alarm goes off, we cannot put the pieces back together. Such an action will make it almost impossible to restore a sense of stability and order in this country. Impeachment proceedings are just like pulling a fire alarm in a crowded room; you better think before you pull, lest many people or this Nation get hurt in the process.

To be sure, if we are going to go down the road to impeachment, it must be taken with a keen sense of understanding and purpose. Otherwise, we will be blind to the consequences of our actions. And we must begin with what constitutes the ground for an impeachable offense.

Is this what Ken Starr says it is? Is this what TRENT LOTT says it is? Is this what the gentleman from Illinois (HENRY HYDE) or I should say the gentleman from Georgia (NEWT GINGRICH) says it is? Or should it be the definition of the entire Congress before we begin an inquiry into impeachment?

I like the fact that, in fact, the gentleman from Illinois (Mr. HYDE) has said that we should have hearings on what constitutes grounds for impeachment. That seems to be the right course to take. Yet it seems the gentleman from Illinois (Mr. HYDE) and the gentleman from Georgia (Mr. GINGRICH) intend to proceed with an impeachment inquiry before such hearings on the working definition of what impeachment really is could even take place.

Do they want to make it up as they go along? It sure sounds as though they do. In my opinion, to make up a definition or to proceed with an inquisition before we have had the time to understand what truly constitutes impeachment and we have a frame of reference to judge our actions against when we continue with an inquiry, constitutes sounding the fire alarm before we know there is even a fire, and it flies in the face of the due process set forth by our Constitution, which says that we need to know what to prosecute before we know whether a crime has been committed.

The reason the majority wants to vote on an impeachment inquiry next Monday, before they know what impeachment really is, is because they would never vote to initiate an inquiry once they really know what they are talking about. And once we know what is truly impeachable, then we need to ask one more question.

REQUEST FOR ADDITIONAL TIME

The SPEAKER pro tempore (Mr. EWING). The time of the gentleman from Rhode Island (Mr. KENNEDY) has expired.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I ask unanimous consent to proceed for an additional 3 minutes.

The SPEAKER pro tempore. The time is limited to 5 minutes. The Member will close.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Member should avoid reference to personal conduct of the President and reference to statements of members of the other body.

Mr. KENNEDY of Rhode Island. In conclusion, once we know what impeachable offense is, then we need to ask another question. Is it the kind of offense in which the President's remaining in office is far worse for this country than what will happen to this country if we remove a President from office? We need wisdom to prevail over politics.

The SPEAKER pro tempore. The time of the gentleman from Rhode Island (Mr. KENNEDY) has expired.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I ask unanimous consent to proceed for an additional 2 minutes.

The SPEAKER pro tempore. The Chair cannot entertain the request for any additional time. The gentleman's time has expired.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

(Mr. FOSSELLA 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 gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS 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 gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

(Mr. KINGSTON 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 California (Mrs. CAPPS) is recognized for 5 minutes.

(Mrs. CAPPS 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 Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

(Mr. SCARBOROUGH 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 gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER 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 gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Pennsylvania 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 Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas 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 Missouri (Mr. TALENT) is recognized for 5 minutes.

(Mr. TALENT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MILITARY ACTION AGAINST YUGOSLAVIA REQUIRES AUTHORITY FROM CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SKAGGS) is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, yesterday we heard news of horrible massacres of ethnic Albanians by Serbian forces in Kosovo: women, children, the elderly all shot in cold blood. The same reports say that these massacres may now spur NATO to take military action.

As terrible as these events are, I want to remind my colleagues that under our Constitution, Congress has the responsibility to decide whether

America goes to war, even a limited war. It may well be that if this body voted on military action against Yugoslavia, we would support it overwhelmingly.

But there is no doubt in my mind that attacks by U.S. forces, whether under NATO or not, against a sovereign nation, even if it is Milosevic's Yugoslavia, constitute an act of war. Actions NATO may decide to take with absolutely no congressional involvement could lead to an expensive, perhaps lengthy involvement which, most importantly, puts American lives at risk.

There are legitimate policy questions Congress should ask about the kind of military involvement NATO is contemplating. Would air strikes do any good? Against what kind of targets? If air strikes do not make Milosevic stop, are we willing to send in ground forces in a shooting war into the mountains of Kosovo?

We may be over the Vietnam syndrome, but that conflict, in which I served, should remind us of one critical lesson for any military involvement: that we should secure the Nation's understanding and support before major military action is taken. That is what military officers learned from Vietnam, and that support is best assured when Congress debates and votes.

The framers of the Constitution vested the war power in Congress for very good reason: Both as a check against precipitous action by a President and as a way to be sure that the American people, through their elected representatives, have been consulted before the Nation goes to war.

The framers placed the war power in Congress because they saw it as an essential part of our democracy, reflecting the fact that it is the people's lives and funds that are put at risk. They expressly rejected the idea that this kind of power should be entrusted to a single individual, the President.

Some people object that the Constitution is inconvenient in this respect, that there is something wrong with taking the relatively small amount of time that would be needed to secure Congress' approval. The situation in Kosovo has been worsening for months. The President has had plenty of time to seek authorization from Congress for military action, and he still has time to do so.

Our participation in NATO does not supersede Congress' role in deciding about war. In fact, Congress conditioned U.S. participation in NATO on the requirement that it retain its constitutional prerogatives. This point was underscored by then Secretary of State Dean Acheson at the time the North Atlantic Treaty was ratified, who said,

> The treaty does not mean that the United States would automatically be at war, even if one of the other signatory nations were the victim of an armed attack. Under our Constitution, the Congress alone has the power to declare war.

Congress' war power is one of its most important and most basic responsibilities. The American people have a right to expect Congress to do its job. As my colleague, the gentleman from California (Mr. CAMPBELL), mentioned a few minutes ago, he and I have drafted a letter to our colleagues urging signature on a letter to the President of the United States that the President respect that exclusive power in Congress and have the authority of Congress before military action may be taken against Yugoslavia.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY 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 California (Mrs. CAPPS) is recognized for 5 minutes.

(Mrs. CAPPS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE HIGH COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. TURNER. I yield to the gentleman from Rhode Island.

BAD CONDUCT IS NOT GROUNDS FOR IMPEACHMENT

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to thank the gentleman for yielding.

Mr. Speaker, I apologize that I was cut off but those are the Rules of the House and that is the nature of the floor proceedings, but I did want to conclude with my remarks because I cannot emphasize enough to the people in this Chamber, my colleagues watching on TV and the American people at large, that this is no light matter that we have been talking about.

We seem to be taking such a cavalier attitude to this, and I know that obviously a lot has to do with the politics of this season. I dare say, though, what we are embarking on truly goes to the nature of our whole form of government.

I just had the opportunity last week, as a member of the Committee on National Security, to go to New York to listen to the President's speech on global terrorism, and I met many diplomats who have a working relationship with our allies, democracies around the world, in Europe and the former Soviet bloc countries, and all of them are so perplexed about what is going on here in this country.

My friend who deals with them on a day-to-day basis told me that his judgment of why they are so perplexed is because they have not been at the democracy game as long as we have. They have been under tyranny, the tyranny of fascism and Communism, within their own lifetimes, and they know that the miracle of this system of government is not to be messed with. That is why they feel so strongly about what we are doing in this country is so wrong for the future of our constitutional form of government.

As I was saying, in my opinion, what we are doing now by putting the cart before the horse, so to speak, by saying that we are going to have a preliminary inquiry before we know what the definition of impeachment is, to me violates the fundamental process of due process, where you know what the crime is before you begin to prosecute it.

The reason the majority wants to vote on an impeachment inquiry before they know what impeachment really is is because they could never vote to initiate such an inquiry once they really knew what they were talking about. Once they knew what was really impeachable, then we would have to ask one more question: Is the impeachable offense, such as perjury, is the impeachable offense the kind of offense in which the President's remaining in office is worse for this country than the excruciating process of impeachment that it will take to remove the President from office?

We need wisdom to prevail over politics. We must see past the passions of this moment and look to the true nature of this offense, which in my opinion is better judged by God and family than by the Congress and the media.

What we have here is a reckless, embarrassing, personal act. It was wrong. The President was human in trying to hide it, and that was wrong, too. None of this, however, shows that the President was on a course that was dangerous to the public.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). The Chair would admonish the Member not to refer to the personal conduct of the President and to address those outside the chamber.

□ 1445

Mr. KENNEDY of Rhode Island. Mr. Speaker, that was not dangerous to the future of this republic. It did not justify throwing this democracy into a constitutional tailspin, and it will not justify it. Gifts, testimony, executive privilege, all these things, do these justify paralyzing our constitutional form of government?

People say this is about a certain offense, perjury, and we should not let anyone off the hook. But during the Watergate scandal, President Nixon perjured himself in his tax returns, and this was dismissed, this was dismissed, as not an impeachable offense. And what about when Caspar Weinberger

lied to this Congress about a secret war? Remember the Iran contra scandal? When asked, Caspar Weinberger said he had no details of such a military offensive, no details whatsoever. He lied to this Congress. Guess who pardoned Caspar Weinberger? Republican president George Bush, and he did so at the behest of Senator Bob Dole, who pushed him to pardon Caspar Weinberger.

I just want to make a concluding couple of thoughts: Joe McCarthy, remember him? He used details of people's sex lives to extort cooperation from them and from former communists by threatening to expose what happened in their bedrooms.

J. Edgar Hoover, remember J. Edgar Hoover? He tried to get Martin Luther King, Jr., to drop out of the civil rights movement by sending Coretta Scott King a copy of an illegally obtained elicit tape recording. It is documented.

Ken Starr has done the same thing. Through his dump of lurid sexual details, he is trying to embarrass this president so much so that he disrupts our whole constitutional form of government by forcing him to resign. To me, this amounts to simply sexual McCarthyism.

The bottom line is this: I would say that the majority needs to heed the words of your own party. President Gerald Ford was featured in the Hill Newspaper last week. You recall what he said? He said an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history.

But that is only what Gerald Ford meant with respect to a judge. He was asked to clarify his comments and apply them to a president of the United States, and I want everyone to listen to me, because they are so misunderstanding what President Ford said. President Ford added that the removal of a duly-elected president in midterm ''Would indeed require crimes of the magnitude of treason and bribery.''

Mr. Speaker, we have a constitutional debate here, and I will venture to say that in my whole time in the United States Congress, I will not cast a more important vote in my whole time in Congress than the vote I cast next Monday against moving this country down such a reckless course that will imperil this republic and permanently damage this Constitution and the definition of what is an impeachable offense.

In my mind, this is a sacrosanct document, and what is sacred in it is it is only used in those most extreme circumstances. To me, this inquiry does not rise to that level and threshold, and, for that reason, I encourage all my colleagues to join with me and put politics aside and say what is right for the Constitution, and that is to stand with the Constitution and vote against any inquiry down this maddening road.

I thank the gentleman from Texas (Mr. TURNER) for yielding to me.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would admonish all Members that they should avoid references to the personal conduct of the President.

Mr. TURNER. Mr. Speaker, I rise today to address an issue that is important to every senior citizen in our country, the problem of the increasing cost of prescription medications. This is an issue that has been growing in intensity in recent years as the costs of drugs have gone up and up and up.

A number of Members of this body have joined together to try to address this problem and to pass legislation that would lower the cost of prescription medication. There are currently over 75 Members of this House who have joined in sponsoring legislation to deal with the high cost of prescription drugs. It is my pleasure to yield to one of the leaders in this effort to combat the cost of prescription medication, the gentlewoman from California (Mrs. CAPPS). I want to mention in passing that Lois is a proud new grandmother of a five-week-old boy, Walter Holden Brostrom, named after his grandfather, Walter Holden Capps, a former member of this body.

The gentlewoman has been a hard worker on behalf of those who are fighting the high cost of prescription medication. She has a background in nursing, and, as the representative of the 22nd district of California, it is my honor to yield to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER). Of course, you warm my heart by talking about my grandson. It is a point of reference that I have with many grandparents throughout my Congressional district. It is with their faces in my mind's eye and with their stories in my heart that I rise today to speak about what I consider to be a real scandal going across this country that I have uncovered in my Congressional District out on the central coast of California.

Seniors throughout the area are, we are finding out, paying outrageously high prices for their prescription drugs. Even worse, these inflated prices are subsidizing the very discounts that high profit HMOs get for these very same medications.

A report we have released gives to the public our study, which uncovers this fact in my Congressional District and gives the reason why some of these costs are so high. There are very startling findings. I know the gentleman from Texas (Mr. TURNER) is going to go into detail with the charts he has that show him the kinds of studies done in his district as well.

Seniors in California on the central coast are paying on the average 133 percent more for the 10 drugs most commonly used by seniors. This is 133 percent more than the HMOs are paying at the discounted rates they get for these very same prescriptions. These are drugs like Zocor, which reduce cholesterol, Norvasc for common blood pressure medication, and Relafen, which provides relief from arthritis.

Prescription drug companies give these big discounts to managed care companies for these drugs, these same 10 drugs and other drugs as well, and then other buyers, like pharmacists must pay substantially more for the same drugs and then pass these higher costs on to seniors.

For example, my study found that Ticlid, one of the most widely prescribed medications for people who have had strokes, sells to the HMOs for around $34 for 60 tablets. Yet in my area of the country the average pricing that seniors pay for this drug themselves when they are buying it out of their own pocket is more than $130, nearly a 300 percent markup over the price that the HMO pays.

The huge difference in prices is not going to the retail pharmacist in Santa Barbara or Santa Maria or Arroyo Grande. On average these local pharmacists are paying $100 to $110 for the same medication. The final price the seniors pay includes only a reasonable markup to the pharmacists and then they are bearing the burden of the profit that is going to the HMOs.

That seniors are paying more money for drugs than they should while HMOs reap profits is based partly on the huge discounts they get from the drug companies. But there is an even sadder story. Many seniors simply cannot afford these high prices because of the fixed incomes they are living on, so they have done a variety of things, such as taking half the prescription or choosing of the several prescriptions that are needed for their life for life and death issues in many cases, or for the quality of life that they want or for their relief from pain and discomfort, and they end up just taking part of the medications that the doctors prescribe.

I have a couple of examples that I will share with you. Clyde Vann of Pismo Beach told my staff he pays over $300 a month for seven prescription drugs, and he really needs to be taking two additional medications, but that would add an extra $150 to his monthly costs. He is on a fixed income, and he just cannot take these two other medications that he really needs to be taking.

Harriet MacGregor of Santa Barbara told my staff that because of the high cost of her five prescriptions, she must sometimes skip or reduce her dosage. This is not the kind of health care we want to be providing for seniors in our country. They should not have to subsidize the profits of the HMOs. They should not have to choose between filling their prescription or buying food or paying the rent.

So I was proud to sign onto the legislation of the gentleman from Texas (Mr. TURNER) last week to address this issue. H.R. 4646 will allow pharmacies the opportunity to receive the same discounts that HMOs get for the drugs that they dispense to seniors. I believe that this is a long overdue measure.

I am happy to yield back now. I want to continue the discussion at some point about what is happening also in parts of our country that are rural areas and where the reimbursement rate to the HMOs from Medicare is so little that the HMOs are pulling out because of their inability to make a profit in our rural areas. This is a double whammy for our seniors. It is giving them now fewer options for their health care in general, and also then when they do just have Medicare and then have to pay the full price, they are running into this problem that you and we have uncovered.

The other thing that is interesting to me is that I have done this study on the central coast of California, the gentleman lives in Texas, we have other Members of Congress from Maine, from Arkansas, from around the country, and we know that this is going on all too many places right now.

So it is something we want to address. I am pleased that the gentleman has this time on the floor this afternoon and we can be talking about this very serious issue.

I will turn it back to the gentleman now and am prepared to talk a little bit more later on.

Mr. TURNER. Mr. Speaker, I thank the gentlewoman from California (Mrs. CAPPS). We appreciate her strong leadership on this very important issue.

Another leader in the fight to lower the cost of prescription medications for our senior citizens is the gentlewoman from the 10th District of Indiana (Ms. CARSON). The gentlewoman, I know from talking to her, knows firsthand the problems that seniors are facing, because I have talked to her many times about how she represents her district, and she works at the grassroots, so I know she has got some interesting insight on this issue.

Ms. CARSON. Mr. Speaker, I thank the very distinguished colleague from Texas for yielding, and I want to commend the gentleman for his insight and foresight in bringing this vital issue not only to the United States House of Representatives, but to the ears and eyes of America, because it is imperative that the American people understand that the Congress is in fact concerned about their well-being, especially those who are recipients of Medicare at this particular time, the senior citizens of our country.

Mr. Speaker, I rise today again, along with my distinguished colleagues. It is kind of difficult to follow the eminence of my colleague the gentleman from Texas (Mr. TURNER), and certainly the gentlewoman from California (Mrs. CAPPS). The senior citizens are very privileged to have this kind of representation in the Congress that is very sensitive to their needs.

Of course, I rise, being on the verge of being a senior citizen, I would like to announce in the beginning I probably have a conflict of interest, because I want my medication affordable when I advance to the age of requiring Social Security. The skyrocketing prices for prescription drugs are unabated and they are hitting the senior citizens of our country very, very hard.

Many of our seniors are on fixed incomes, and when they have to pay higher prices for prescription drugs, obviously they have less money for food, to pay for their heating bills, to pay their property tax or to pay their rent, if that is the case, and to accommodate some of their other vital needs for their own well-being. Seniors are paying too much in higher prices for prescription drugs than HMOs and other most-favored-customers who buy drugs in large quantities at a discount.

In my district in Indianapolis, we did do a survey among the drugstores on drug prices based on the widely used common drugs. Albuteral, a common inhaler, costs as much as $18.35 in some stores, twice as much as at the cheapest store. HMOs can charge much less.

□ 1500

The drug, I think it is Vicodin, varies between 39 cents and $2.34 per dose in Indianapolis.

These high prices are feeding drug companies' growing profits. Our pharmacists are complaining that when they obtain these items, that the major cost is theirs to pay and they have to pass along those costs to the senior citizens at a very limited profit.

It is just plain wrong for drug companies to be charging the high prices in behalf of our Nation's senior citizens. That is why I join the gentleman from Texas (Mr. TURNER) and the gentlewoman from California (Mrs. CAPPS) and other colleagues in introducing H.R. 4646, the Prescription Drug Fairness Act.

As my colleagues know, the legislation will allow retail pharmacies to buy medications commonly used by senior citizens directly from the Federal General Services Administration. GSA is able to buy prescription medications at much lower prices than individuals, allowing our pharmacists to pass on the savings to senior citizens.

No one should be forced to choose between buying food or medicine, least of all our senior citizens to whom we owe so much. So I would urge my colleagues to join me in cosponsoring this legislation. I would encourage the leadership to set it on the calendar for hearing and for ultimate passage. Let us do something important for a change, especially in behalf of our senior citizens.

I am more than happy to yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentlewoman for her support on this important issue and for her leadership.

Another Member of the House that has taken a very prominent role of leadership on this issue is the gentleman from Maine (Mr. ALLEN). The gentleman is a sponsor of legislation to deal with this issue, along with many others that have joined with him, and it is an honor to have the gentleman here to talk about this issue that he has worked so long and hard on.

I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank my friend and colleague for yielding. I want to say to the gentleman from Texas (Mr. TURNER) that I appreciate his organizing this Special Order today and for his leadership on this particular issue.

I found, as many of us have back in our districts as we travel around and talk to seniors, that the high price of prescription drugs comes up at every meeting of seniors. It does not matter where we are or who we are talking to. As long as there is a senior in the room, it seems, this subject will come up, particularly if we give people an opening.

There are some reasons for that. Seniors use one-third of all prescriptions in this country. While the average American under age 65 uses only 4 prescriptions a year, the average senior uses 14 prescriptions a year. In particular, older Americans suffer more from those chronic conditions such as hypertension, diabetes, arthritis, glaucoma and circulatory problems that require the taking of regular prescription drugs.

When Medicare was created in 1965, it was designed as a system of acute care, so it did not cover prescription drugs. Now, the number of hospital beds is shrinking, people are not spending as much time in the hospital, and they are not there because of advancements in prescription drugs, and yet 37 percent of all seniors have zero coverage for prescription drugs.

We all know that the prices have been going up at a rapid rate. The studies that have now been replicated in a number of districts are very revealing. Last June I requested that the Committee on Government Reform and Oversight staff investigate whether pharmaceutical companies are taking advantage of older Americans because of the high price of prescription drugs. There is a recent statement in a report on the pharmaceutical industry which reads, ''Drugmakers have historically raised prices to private customers to compensate for the discounts they grant to managed care companies. This practice is known as cost-shifting.''

I understand that the studies that have now been replicated in our districts around the country are the first studies to quantify the extent of price discrimination and how it affects seniors. The study investigated the prices of the 10 brand name drugs with the highest sales to the elderly. Ticlid, Zocor, Fosamax, Prilosec, Norvasc, Relafen, Procardia XL, Cardizem CD, Zoloft and Vasotec.

The study looked at the price differential between what seniors pay when they walk into a local pharmacy and what the best customers of the pharmaceutical companies pay. And

the best customers are big HMOs, the Federal Government, like the VA. The study found in my district, and it is pretty much the same I believe in the district of the gentleman from Texas (Mr. TURNER) and in the district of the gentlewoman from California (Mrs. CAPPS), that seniors pay 105 percent of the price, on average, that the drug companies' most favored customers get.

Now, for comparison purposes, one thing is clear: That is, the markup or the price discrimination on prescription drugs is far higher than it is on other consumer goods. In fact, the price differential is about 5 times greater than the average price differential for other consumer goods.

Now, I wanted to say a couple of things about the pharmacists, because one of the things we found in the study is that the high price of prescription drugs is not the fault of pharmacies. Whether one is a chain drugstore or a local pharmacy, the markup is on average 3 and at times all the way up to 22 percent, but more often it is a reasonable markup of 3, 4, 5, 6 percent. In fact, it is the large pharmaceutical companies that are driving up the prices. Drug manufacturers makes 6 times more profit on prescriptions than retail pharmacies.

Mr. Speaker, I think that we obviously have to do something about this, and I am pleased that the release of a report in my district showed what it did, that the study has been replicated in districts around the country. This is, as we well know, a nationwide problem, not just a local problem.

Despite the very important contributions that the pharmaceutical companies have made in improving the quality and the effect of prescription drugs, the fact remains, bring it down right to the grassroots level. The gentleman knows, the gentlewoman knows, I know people in our district who get about $600 or $700 a month in a Social Security check and that is all they have, and a good number of them are paying $100, $200, $300 a month are for prescription drugs.

The math does not work. They cannot pay for food and rent and other necessities and still pay the cost of their prescription drugs. So what do they do? They do not take the drugs that their doctors tell them they have to take. That is the bottom line. Seniors in this country are not taking the drugs that their doctors tell them they have to take.

Vi Karion from Maine traveled down to our press conference last week and she spoke of her difficulties and those of her friends and neighbors. She gets about $900 a month from Social Security, but cannot afford supplemental coverage for her prescription medication and she cannot always afford all of her prescription drugs.

That is why I introduced the Prescription Drug Fairness For Seniors Act, very similar to the bill that the gentleman from Texas (Mr. TURNER) and others have introduced. These two pieces of legislation are complementary, not competitive. We believe that the legislation will drive down the cost of prescription drugs for seniors by over 40 percent.

Mr. Speaker, it is too late in this session to have this bill become law, but I can tell my colleagues this: We are going to be back next year. This issue will not go away.

We need to do something about the high cost of prescription drugs, and what our legislation would do, without adding to the Federal budget, without fixing prices, we would put the Federal Government on the side of every senior buying pharmaceutical drugs. And if we do that, the buying power of the Federal Government is strong enough to compensate for the high prices charged by the pharmaceutical companies, to drive down the cost of prescription drugs and really give our seniors a chance to eat the food they are supposed to eat and still take the medication that their doctors tell them they have to take.

Mr. Speaker, I thank the gentleman. I am very pleased to have been here today.

Mr. TURNER. Mr. Speaker, I thank the gentleman for his strong leadership on this very, very important issue.

Another Member of this body who has worked hard on this particular issue is the gentleman from Georgia (Mr. BISHOP), from the Second District of Georgia. I would like to yield to the gentleman.

Mr. BISHOP. Mr. Speaker, I rise today as a cosponsor of H.R. 4646, which is a bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries.

Mr. Speaker, this is a time when seniors seem to be taking the brunt of the cuts in health care costs, specifically in areas such as home health care and venipuncture. So I am honored to support legislation that would make prescription drugs affordable for our seniors.

Today our parents and our grandparents are being forced to pay much steeper prices for prescription drugs than the so-called most favored customers of drug companies, such as HMOs, large hospital chains, and indeed the Federal Government. This is wrong. These entities are able to buy drugs at discounted prices, and drug companies subsequently raise their prices to seniors and others who pay for needed prescriptions for themselves.

A Federal study that was initiated by the gentleman from Texas (Mr. TURNER), who was the originator of this bill, and we congratulate him, asserts that our senior citizens are paying twice what the most favored customers are paying. This bill provides the solution to the problem by creating a level playing field. It allows retail pharmacies to buy medications used by senior citizens directly from the General Services Administration of the Federal Government. Because the GSA is one of the entities that is able to purchase these prescription medications at much lower prices, this procedure will allow pharmacists to pass on significant cost savings to our senior citizens.

Mr. Speaker, I ask my colleagues to support this concept, and I congratulate the gentleman from Texas (Mr. TURNER) for his foresight in working on this issue, and all of the other cosponsors who have joined, such as the gentlewoman from California (Mrs. CAPPS), to make sure that we lift this issue up to our Nation's consciousness and that as soon as possible we try to provide some relief for our seniors in the purchase of their much-needed prescription drugs.

I thank the gentleman for yielding, and I again congratulate him for the hard work that he has done in pursuing this issue.

Mr. TURNER. Mr. Speaker, I thank the gentleman. The gentleman has given outstanding leadership not only to this issue but to many others on behalf of the people of his district, and his support means a great deal to this issue. I thank the gentleman for his part in this Special Order.

I would like to yield once again to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank the gentleman for yielding to me and I thank the gentleman from Georgia (Mr. BISHOP) for his support. I want to echo that it is now becoming clear, as we are taking part in these Special Orders, how widespread this has become in certain areas of our country.

To pick up on a theme that the gentleman from Texas (Mr. ALLEN) mentioned when we talked about the terrible choices that seniors have to make, as we have done our studies and as we have been engaged with the seniors in our own districts, as I have, and their faces come to my mind as I am standing here on the floor of Congress, the people who have come up to me with real fear and pain in their eyes about what they are facing on a daily basis. It is a shame, because the part of health care that seniors value the most is their ability to get their medications that keep them alive in many instances, that really prolong the kind of health that they now have become accustomed to because of the advances in medicine.

It is to the pharmaceutical companies, for the research they have done, that we owe the advances in medicine for many of our seniors, so that they can keep their blood pressure under control and their cholesterol level down, and their arthritis aches and pains are not incapacitating our seniors as they once were.

□ 1515

What a shame that right now, in this day and age, when we have the resources to give them, that they are being asked to bear the burden of discounted prices.

In other words, what the drug companies are coming back to us with after they see our studies is saying, this sounds like price-fixing. But what we know from our studies is that what the drug companies are doing is cost-shifting. That is what we need to address.

They are shifting the costs in the savings that they are giving to large buyers, such as the insurance companies, such as the HMOs, they are shifting the cost from this large entity onto the backs of individual seniors in my district in California; in the district of the gentleman from Texas (Mr. NICK LAMPSON); in the the district of the gentleman from Texas (Mr. TURNER); in Maine, in Arkansas, in Indianapolis. We are seeing this is happening across the country.

Mr. Speaker, that is why we need to stand here today on behalf of these seniors and speak out for them and for the fear that they are experiencing, and the choices they are making between buying food for their tables or buying the medication that will prolong their lives.

Actually, when we think of the cost, the cost of a senior then becoming ill because they are not able to take their medication, and having to go into a high-skilled nursing facility, is much more of a burden on their families, on themselves, and on society, really. So we are wise to take note of this and do something about it. It is not price-fixing, it is cost-sharing. That is what we want to make sure, that the seniors are not bearing an overburden of the price of the prescriptions that they need to be making.

I applaud the gentleman from Texas (Mr. TURNER) again for the work that he is doing for the seniors of our country, really. I am a proud co-signer of the gentleman's bill, and on the efforts that are going on around the country.

Mr. TURNER. Mr. Speaker, I thank the gentlewoman from California, and I thank her again for sharing her insight. I guess it is the gentlewoman's nursing background that causes her to be so very sensitive to what we all see when we go out in our districts and talk about this issue. It is the seniors who are having trouble just making ends meet, who are faced with these high costs of prescription medications that we are trying to help here today.

I had a lady come up to me in Orange, Texas, as I was talking about this legislation at one of my local pharmacies, a lovely lady named Frances Staley. She happened to be blind. She was very a proud lady, and she was telling me about how important she thought this issue was and how much she supported what we are trying to do.

I began to ask her about her situation. She told me that she has $650 a month in social security. That is her total check. She told me that she has $540 worth of prescription drug bills every month. She has nine different medications that she has to take.

We were standing there, with her pharmacy over there, and she looked over and said, I am just glad that my pharmacist will give me credit. I still said to her, but if you have $540 in prescription drug bills every month and you only have $650 from social security, how do you live? And she leaned over to me in that proud sort of way, and said, well, sometimes I just take half my medication.

Now, no senior citizen should have to make that choice. That is why we are here today.

Mrs. CAPPS. The gentleman is absolutely right.

Mr. TURNER. That is why we have introduced this bill. I appreciate so much the gentlewoman's leadership on this.

Mr. Speaker, I yield to my dear friend and colleague, the gentleman from the 9th District of Texas (Mr. NICK LAMPSON), another leader in the fight to help our senior citizens.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today in support of the Prescription Drug Fairness Act. I really want to thank the gentleman from Texas (Mr. TURNER) for the hard work that he has done on this extremely important piece of legislation. Obviously, we hope it is a success, and a big success, along the way.

I say to the gentleman from Texas (Mr. TURNER), as I was growing up, thinking back to the time that I was in Beaumont as a kid and knowing that I lived probably about a mile or so from the pharmacy that we used, the Highland Avenue Pharmacy, I know the relationship we built with the Masons, who owned and ran that drugstore.

I remember that when we were sick, my mother could call them. They would send a prescription to our home in instances when we could not get there, and there were some difficult times in our own family when I was growing up that would prevent us from driving even that mile to pick up a prescription from the pharmacist.

I knew if my mother needed to, instead of sending me to a doctor and spending that extra $5 or $10 or whatever she might have had to spend on me or my sisters or brothers, that she could sometimes pick up the phone and call Mr. Mason and ask a question, and get some advice about what we might need to do. There were instances where that relationship saved a significant amount of money.

I know that as we face similar problems today with pricing of pharmaceuticals, we are in many instances losing that ability to have that relationship with our neighborhood pharmacist, with the people who provide much more than just an opportunity to retail-sale drugs to the people in the neighborhoods.

I absolutely imagine the choices, the difficult choices that a loved one, perhaps my own mother, would have to face, as the gentleman was talking about a minute ago, when they were faced with the choice of buying medicine or buying food. I do not want my mother having to make that kind of a choice.

I know that when I went to the White House Conference on Aging as a delegate in 1995, I heard the plea of the 2,500 or so elderly people who were there as designees from all over the United States asking that we keep those programs in place; that Congress, and I was not a Member of Congress then, but that we keep those programs in place that would help them keep their dignity and their independence, so they would be able to continue to live at home and not be a burden either on their children or on society.

It is strange to me that we continue to enact, or try to deenact, if you will, so many things that are putting so many of these folks into troubled times, as the gentleman from Texas just spoke of, such as the woman who may not be able to live in her home if she cannot take the full amount of the medicine that the doctor says is necessary to keep her health good for her quality of life as she reaches those golden years, that are longer today than what they used to be, that we are so proud of. But if we cannot enjoy those days, why live them?

That is not a question that our seniors need to be asking. They are paying too high a price, in many instances, as elderly folks, and even oftentimes we are, ourselves. Drug companies charge seniors on an average, I think the gentleman said earlier, 103 percent more than they charge their most favored customers.

I looked at the chart that the gentleman has there. I have a copy here. I look across to some medicine that I have to take. I have a stomach problem and I take Prilosec. I want to ask the gentleman a question.

From what I understand here, if I can buy, as a favored customer, my bottle of Prilosec that I have to buy every month and I pay $58.38 for it, if I go to my pharmacy at home in Texas I have to pay, for this same bottle, $107.97?

Mr. TURNER. The gentleman is correct.

Mr. LAMPSON. Mr. Speaker, if the gentleman will continue to yield, that is a 90 percent difference. What the gentleman is saying is that for this bottle that I am holding in my left hand I have to pay $58.38, but for the bottle that I am holding in my right hand I have to pay $107.97. That does not make logical sense to me.

When I look at the problems that I know that my own mother faces in attempting to face these same decisions, I have a hard time accepting it, not just for her, but for all of the people in this country.

Our neighborhood pharmacies may be put out of business because of these pricing practices. That is something that we all have to be concerned about. It will make senior citizens' lives worse, because they will not be able to depend on their neighborhood pharmacies for advice or even personal care.

All of these other figures that the gentleman has cited, that the gentleman has put together through his study, are impressive, but they are also absolutely frightening. The Prescription Drug Fairness Act would protect older Americans from this type of discriminatory pricing. The legislation will create a level playing field by allowing retail pharmacies to buy medication used by senior citizens directly from the General Services Administration, the GSA of the Federal Government.

Since the General Services Administration is able to purchase prescription medication at much lower prices, at those favored prices, then pharmacists will be able to pass on a significant cost savings to our senior citizens. Again, our senior citizens should not ever have to choose between their health or other necessities.

One more time, it is the difference between the price of the bottle that I hold in my right hand or the price of the bottle that I hold in my left hand. I think we need to pass this legislation for the sake of all America. I thank the gentleman. I appreciate the great work he has been doing. I hope to be able to stand by the gentleman and continue to make a success of this bill.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Texas (Mr. LAMPSON). I thank him for his leadership.

It is hard to understand how that same bottle of medication can cost $58 when it is sold to the big HMOs and the big hospitals and the insurance companies, and yet our senior citizens, walking into their local pharmacies, are having to pay $107. It is just not right. I thank the gentleman for his leadership on this.

Mr. Speaker, I want to thank the gentleman from California (Mr. WAXMAN) personally for his leadership as the ranking Democrat on the Committee on Government Reform and Oversight in initiating with our minority staff the studies that many of us have been able to do in our own districts, to point out the problem that we are talking about here today.

I thank the gentleman from California for his leadership on this issue, for the many years he has been working on this cause.

Mr. Speaker, I am proud to yield to the honorable gentleman from the 29th District of California (Mr. HENRY WAXMAN), the ranking member of our Committee on Government Reform and Oversight, a leader on health care issues for many years, and another Member of this body who has for many, many years been a leader in the fight to try to lower the cost of prescription medication for senior citizens.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman very much for yielding to me.

Mr. Speaker, I want to underscore the importance of this special order this afternoon in the House of Representatives, and the gentleman's leadership, and the leadership which the gentleman from Maine (Mr. ALLEN), the gentlewoman from California (Mrs. CAPPS), the gentleman from Texas (Mr. LAMPSON), and so many others have given to this very question.

It is so unfair that our seniors are paying, on average, we have found, all across the country, twice as much for prescription drugs as those who are being treated in a more favorable light by the pharmaceutical manufacturers.

This is an issue that affects American seniors all across this Nation. There is very little variation between what we have found in one part of this country as opposed to another. We see all over our seniors being asked to pay the most for these drugs.

Of course, the reason they have to pay the most for drugs is that each senior goes individually to buy drugs. They do not have anybody acting on their behalf the way that the veterans have through the Veterans Administration, or the people in managed care plans have, when those managed care plans step in and negotiate a better price for all of their members who have drug coverage, or what we have even done for Medicaid recipients who have prescription drug coverage.

On Medicare, our Medicare beneficiaries do not have prescription drug coverage under Medicare. I wish they did. It is a logical thing for them to have that coverage. Medicare covers doctor bills, hospital bills, all sorts of other services, medical services. But when it comes to prescription drugs that they use on an outpatient basis, Medicare will not cover it. Each person has to come in individually and pay the price.

The manufacturers of these drugs have found that in order to keep their profits up when they have to give a discount to others, they just raise the price higher for individual seniors, often elderly women. Most people on Medicare are women, and they are the ones who have to pay that price.

We have heard the story today, and all Members of Congress have heard it from our constituents, how the elderly are forced to choose between paying their rent, their food bill, their heating bill, or their pharmaceutical costs.

A lot of people go without taking their drugs, or try to take them every other day, or cut the drugs in half and make them last longer. Many of them end up in hospitals because they get sicker as a result of not taking the pharmaceuticals that can keep them healthy. Then the government pays a lot more money under Medicare for their hospital bills.

It does not make sense, and I think that the approach that the gentleman has taken and others have taken in trying to address this problem is very, very important.

□ 1530

The approach that is taken in the legislation is to say that we are going to insist as a function of government that seniors not be disadvantaged when they buy drugs and that we will use the buying power of the Federal Government to make sure they get that preferred price as well as other citizens.

The way that this has been portrayed here today with the charts, with the demonstration of just showing right hand to left hand the same pharmaceuticals, but someone is left holding the bag, and it is usually our most vulnerable people, our seniors who do not want to be on welfare.

Most of them are not on welfare. They have played by the rules. They paid throughout their working years for the Medicare program. When they need that program and are relying on it, we should not leave them adrift when it comes to high pharmaceutical prices. We ought to be there to protect them.

If we are not going to cover drugs, at least we ought to assure them that, when they buy those pharmaceuticals, they are going to pay a preferred price and not an unfair price.

I want to commend the gentleman. I think this is an important opportunity on the House floor to bring this issue home to people. It is the kind of issue people care about. So often here in Washington we are talking about things that I do not think most Americans think affect their lives in any way. But this issue affects every senior and their family members in every part of this country.

This is the kind of thing we ought to be dealing with, just like we should be dealing with the protections for people who are in HMOs or managed care to be sure that they are not taken advantage of, that they have their rights protected as consumers. We ought to be addressing issues like this.

We have only got 1 week left here in the Congress. We are going to go home at the end of this next week without passing a Patients' Bill of Rights for managed care, without addressing this pharmaceutical pricing issue, without doing anything about protecting our kids from being the subject of the tobacco companies' campaigns to get them to smoke at 12 and 13 years of age, without probably the most important thing, passing legislation to reform our campaign finance system, which, without the reform in that area, leads to the inordinate power of special interest groups like the tobacco companies, like the insurance companies, and like the pharmaceutical manufacturers.

I commend the gentleman for his leadership and for taking this opportunity on the House floor for many of us to speak on the issue.

Mr. LAMPSON. Mr. Speaker, if the gentleman will yield, one of the points that the gentleman from California (Mr. WAXMAN) made is we continue to see the direction go like this where it is harder and harder for seniors to meet the demands that they have on the medicines that they need to buy and they make choices and not take all

of their medicine or not take the medicine at all, ultimately they will end up probably going back into institutionalized care.

The gentleman from California just mentioned a number of things that we are facing right now, balancing our budget, passing appropriations bills we have not yet done. What are we going to have to be doing in the future if we see an increase in the number of people who are going back into institutionalized care, not being able to stay at home and take care of themselves?

Mr. WAXMAN. Mr. Speaker, if the gentleman will yield, one of the short sides of this in the way that we approach these problems is we look at the cost of hospital care under Medicare, which is extraordinarily high, and we do not connect it to the fact that we have caused those costs to be incurred because we have not done anything to protect the elderly from the high cost of medications and the fact that many of them will go without the medications, forcing them to get sick and then to use more expensive care.

Mr. LAMPSON. Mr. Speaker, if the gentleman will yield, then who is going to pay for that?

Mr. WAXMAN. Mr. Speaker, if the gentleman will yield, we are going to pay for it. The country is going to pay for it. The elderly is going to pay for it. It is a cost of the Medicare program.

When we look at the Federal Government expenditures, what we spend in Medicare is one of our very largest expenditures. It is not just from taxpayers, it is partly paid for by the premiums that the elderly pay for their Medicare. It is paid for also by the working people of this country who pay into the Medicare system in hopes that they will have it available to them when they need it when they become eligible because of their age to take out that Medicare policy.

Mr. LAMPSON. Mr. Speaker, if the gentleman will yield, it really would make sense if we can cut the costs of seniors particularly who are in greater need of some of these medications than perhaps other citizens of the country are that we would perhaps be able to save money in the long run in our budget. We would have to appropriate fewer dollars in the future because of these cost saving measures that we take today.

Mr. WAXMAN. Mr. Speaker, if the gentleman will yield, I think that is absolutely right. If we simply want to look at it as a dollar and cents issue, I think the case can be made that we would save money if we have protected the elderly from the high cost of prescription drugs and not have to pay that amount in hospital care costs for them.

But even without just looking at it from a dollar point of view from a Federal Government standpoint, just from a common sense humanitarian point of view, how can we say to the elderly that we are going to protect them from being wiped out financially when health care costs hit them after they paid into this Medicare program during their working years, and we leave them vulnerable to such high out-of-pocket costs for their prescription drugs that they will not be able to afford their drugs or other necessities.

Some people cannot even afford to pay their Medicare Part B premium. They are like people who are not even in Medicare Part B because of the high cost of that, or they cannot go out and buy supplemental insurance because of the cost of that added onto everything else they have to pay for.

So we ought to recognize that, while we have done a great job in this country reducing the poverty levels of elderly people which used to be the single largest group under the poverty line, we still have a lot of people who are having difficulties especially when they have to pay for those high cost drugs.

Mr. LAMPSON. Mr. Speaker, if the gentleman will yield, I would ask all of our colleagues to join the gentleman from Texas (Mr. TURNER) and the gentleman from California (Mr. WAXMAN) and myself in supporting the Prescription Drug Fairness Act. Let us pass it and maybe we will be able to save those dollars.

Mr. WAXMAN. Absolutely.

Mr. LAMPSON. And help a lot of elderly folks along the way.

Mr. TURNER. Mr. Speaker, I again thank the gentleman from California (Mr. WAXMAN) for his leadership on this issue. He has been a tireless worker for many years on behalf of health care for children, for senior citizens, and for all Americans.

I again want to thank the gentleman for directing the staff of our Committee on Government Reform and Oversight, as our ranking member, to prepare these studies to document this very serious problem that we are talking about here today.

The gentleman from Texas (Mr. LAMPSON) mentioned the difference in the price of one particular drug. On the chart to my right, we have depicted the results of the study that the Committee on Government Reform and Oversight staff did in my congressional district.

What it did, Mr. Speaker, was to take the 10 most commonly prescribed drugs for senior citizens, and it took a look at the prices that those drug manufacturers are charging their most favored customers, those big HMOs, those big insurance companies, the big hospital chains, and even the Federal Government. Those prices are depicted here in this column.

The one the gentleman from Texas mentioned right here was $58 that the favored customers paid. In the same study, pharmacies in my district on average were having to charge $107 to our senior citizens who walk in without insurance for that same quantity of prescription medication. This quantity here is about a month's supply of each of those prescription drugs. So you see in the last column the price differential.

As the gentleman said, it was 90 percent for the drug that you take. The average of all of these 10 commonly prescribed prescription drugs in my district was 103 percent.

We have heard others here today say it was 105 percent in their district, but, roughly, senior citizens are paying twice for prescription medication than what the drug manufacturers are charging their most favored customers.

We talked about this in my district in a series of about 25 little meetings I had with pharmacists all across my 19 counties. I want to make it very clear today, and it is shown on this third chart that I have, that the problem is not a problem created by our local pharmacies. It is the drug manufacturers that are responsible for this disparity, not the retail pharmacist.

In fact, in most of our districts, we see independent pharmacies going out of business every month because their margins are so small caused by this discriminatory pricing scheme that they are not able to make ends meet as pharmacies and are having to close down their businesses.

What this chart shows you is that, of the total price differential shown in blue on the left-hand side, the average retail markup from average wholesale by pharmacies in my district was about 1 percent, a little over 1 percent. In fact, the highest markup for any prescription medication that we studied by retail pharmacists in my district was 19 percent. So it is not the local pharmacies that are making the money.

We looked, not only at the 10 most commonly prescribed prescription drugs for seniors, but we looked at a few other drugs. Ticlid, for example, look at the price differential on Ticlid. It is absolutely unbelievable to think the line in blue shows what senior citizens are paying for Ticlid and the line in the pink shows what the most favored customers are paying. It is just almost hard to believe that Ticlid could be costing senior citizens $117 and the favored customers, the big insurance companies and the hospital chains, get it for $33.

Another one, Synthroid, was even more dramatic. Synthroid costs our senior citizens shown here in blue $25.86 when they go into our local pharmacy. The most favored customers can buy the same quantity of Synthroid for $1.78.

Micronase, another drug that is prescribed for diabetics, costs our senior citizens and local pharmacists $45.60. The most favored customers or the big drug manufacturers get that same quantity for $6.89.

So we see the problem. What we are trying to do about it in this legislation is to allow our local pharmacists to buy prescription drugs for Medicare eligible seniors directly from the Federal Government who is one of these most favored customers. We believe that is

the right thing to do. We think that it is the right thing for our senior citizens.

I wanted to thank every Member of this Congress who has joined with us in cosponsoring this legislation. We hope we can pass it for our senior citizens so folks like Ms. Frances Staley, my constituent in Orange, Texas, can be able to afford her prescription medication.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 1998.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Tuesday, September 29, 1998 at 12:45 p.m.

That the Senate Agreed to Conference Report H.R. 6.

That the Senate Agreed to Conference Report H.R. 4103.

With warm regards,

ROBIN H. CARLE,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 1998.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Wednesday, September 30, 1998 at 10:45 a.m.

That the Senate Agreed to Conference Report H.R. 4060.

With warm regards,

ROBIN H. CARLE,
Clerk.

TRIBUTE TO DAN QUISENBERRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. Snowbarger) is recognized for 5 minutes.

Mr. SNOWBARGER. Mr. Speaker, the Kansas City area, our national past time of baseball, and everyone who admires courage and grit suffered a tragic loss yesterday. Dan Quisenberry, former relief ace for the Kansas City Royals, lost his battle with brain cancer at the age of 45.

Quiz faced death with the same unblinking fearlessness with which he faced a Wade Boggs or a Don Mattingly or a Reggie Jackson. His courage in the face of adversity was inspiration for all of us. Dan Quisenberry became the second Kansas City Royal to fall victim to this disease, joining manager Dick Howser, who died in 1987, just 2 years after leading the Royals to the world's championship.

Dan Quisenberry developed a reputation as a ''flake'', based on his friendly banter with reporters who always sought him out for a good quote. This is a man who, finding success after a rare downturn in his pitching fortunes, told a reporter that he had found a delivery in his flaw. But, Quisenberry also was an intelligent and articulate man, a witty man who turned to poetry after his retirement from baseball.

He also was the best relief pitcher the Kansas City Royals had ever known. He was the first pitcher to save 40 games in a season, and he still holds the American League record for most saves in two consecutive seasons with 89. At the peak of his career, he was a factor in every game; unique for a pitcher.

Baseball writer and fellow Kansan Bill James put it best in his baseball abstract, ''The logic was this: let's say that the Royals were one ahead in the fifth inning, but the other team had a man on and Babe Ruth at the plate. You'd be thinking 'Well, if he gets the Babe out here he's got the bottom of the order up in the sixth. That means that Babe and Lou and company don't come up again until the seventh at worst, and if it really gets tough in the seventh inning, Quiz can come in and the Royals will still win. So if he just gets Babe out here in the fifth inning, then the Royals win.''

□ 1545

Well, it was not just the Royals who threw this way, either. Managers would use their pinch hitters in the 5th and 6th innings, trying to keep Quisenberry out of the game. In a sense every Royals game revolved around trying to get to Quisenberry, and it was something that you started thinking about really as soon as you got to the park.

This is about a man who threw underhand to major league hitters and got them out. But Dan Quisenberry was more than a great baseball player. He was a great human being. He was active in Harvesters, an organization that collects food for the homeless, and Village Presbyterian Church. He gave something even more precious than his money, he gave of his time. His dedication to charity and to children was admirable.

I think it is appropriate to remember at this moment the immortal words of the fabled sportswriter Grantland Rice, words which very well might have been written for Dan Quisenberry:

> When the one great scorer comes to write against your name, he marks not that you won or lost but how you played the game.

Mr. Speaker, I ask this body to join me in offering condolences to the Quisenberry family. Let them take comfort in the fact that life is not measured by its length but by its quality.

FIRST SURPLUS SINCE 1969

The SPEAKER pro tempore (Mr. EWING). Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I thought I would take a few minutes to just talk about something that is pretty exciting, I find, for the folks back home in the south suburbs of Chicago and the South Side of Chicago and the rural areas and the bedroom communities I have the privilege of representing back home in Illinois.

October 1 is a big day. It is a big day that many of us, particularly in my generation, have been waiting a long time to see come. The reason October 1 is such a big day is, today is the first surplus that Washington has seen since 1969. Thanks to this new majority that has been in place here, the Republican majority that has been in place now for the last 3½ years, we have the first balanced budget in 29 years, a balanced budget that is projected to generate $1.6 trillion in extra surplus tax dollars over the next 10 years.

Essentially the folks back home are sending more money to Washington than we need, producing a mammoth surplus, thanks to the fiscal responsibility that began with the Contract with America in 1995. I find that folks back home are pretty excited, because we talk about what we are going to be doing with this surplus. There are some, particularly down at the White House, that want to spend it. They would rather take that surplus and spend it on whatever they can call emergency spending, trying to avoid the budget rules and, of course, avoid the budget discipline that we have.

That is what a lot of folks back home say. They say, if we do not set aside that surplus now and give it to a specific purpose, those Washington politicians will spend that extra money. We made a commitment here 10 days ago to do something with that $1.6 trillion surplus. We made a commitment to save Social Security. We made a commitment to eliminate the marriage tax penalty. We made a commitment, essentially, to give $1.4 trillion, two times what President Clinton originally asked for back in January, to saving Social Security, $1.4 trillion.

Now, the $1.6 trillion in the budget surplus, of course, the 90–10 plan, as we now call it, sets aside 90 percent of the extra tax revenue and makes a commitment to put that money aside for Social Security. The remaining 10 percent we are going to give back to the American people, because we do not want it spent here in Washington. We want to use it to help families.

I have often raised the issue of the marriage tax penalty over the last year, asking a simple question: Is it fair, is it right that under our Tax Code

that 28 million married working couples pay higher taxes today just because they are married? Is it right that our Tax Code charges a married working couple with two incomes more in taxes than an identical couple with identical incomes living together outside of marriage?

I think we all agree that that is wrong. This House made a bipartisan commitment, by adopting the 90–10, plan not only to save Social Security, setting aside $1.4 trillion to save Social Security, but also to work to eliminate the marriage tax penalty.

When I think of Social Security, I think of my mom and dad but. When I think of the marriage tax penalty. I think of my sister, Pat, and brother-in-law Rich, a school teacher and a farmer back home in Sheldon, Illinois who are just like 28 million other married working couples. They suffer the marriage tax penalty.

Under our legislation, by doubling the standard deduction for joint filers to twice that of a single filer, raising it from $6900 to $8300, we save 28 million married working couples $243 under the 90–10 plan. That saves Social Security and helps eliminate the marriage tax penalty.

Back home in the south suburbs, towns like Joliet, Illinois, $243, that is a car payment, that is a couple months' worth of day care for a family with kids that need to be in day care while mom and dad are forced to go to work just to pay the taxes. That is a big victory.

I am also proud that not only does doubling the standard deduction for joint filers to twice that of a single filer save $243 but it also simplifies the Tax Code, one of the other goals of our Republican Congress. By simplifying our Tax Code, in fact, our marriage tax relief not only saves $243 each for 28 million couples, but we allow 6 million married working couples to no longer have to file a schedule A. They will only need to file a schedule 1040 EZ, meaning they will no longer need to itemize. We are simplifying their tax filing process.

Mr. Speaker, that is a big victory. My colleagues on the other side of the aisle keep raising this ogre. They always say somehow by working to eliminate the marriage tax penalty that somehow because you are doing that you are somehow hurting the Social Security trust fund.

As a member of the Committee on Ways and Means, two weeks ago we asked a representative of the Social Security Administration, the deputy commissioner, and her name, Judy Chesser, the gentleman from Texas (Mr. ARCHER) asked Judith Chesser, he asked her, now, as a result of the tax bill, the tax cuts contained in the 90–10 plan, that the committee was planning to vote out, will there be any impact on the Social Security trust fund. Judith Chesser said, absolutely, no.

The 90–10 plan is good for families back home. It helps farmers in Illinois. It helps small business people in Illinois. Helps those who want to send their kids off to college. We eliminate the marriage tax penalty for a majority of those who suffer it. The bottom line is, we also save Social Security by setting aside $1.4 trillion.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 3 o'clock and 53 minutes p.m.), the House stood in recess until approximately 4:30 p.m.

□ 1633

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 4 o'clock and 33 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 3874, CHILD NUTRITION AND WIC REAUTHORIZATION AMENDMENTS OF 1998

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3874) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Education and the Workforce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. GOODLING, RIGGS, CASTLE, CLAY and MARTINEZ.

From the Committee on Agriculture, for consideration of sections 2, 101, 104(b), 106, 202(c) and 202(o) of the House bill, and sections 101, 111, 114, 203(c), 203(r), and titles III and IV of the Senate amendment, and modifications committed to conference: Messrs. SMITH of Oregon, GOODLATTE, and STENHOLM.

There was no objection.

APPOINTMENT OF CONFEREES ON S. 2073, JUVENILE CRIME CONTROL AND DELINQUENCY ACT OF 1998

Mr. GOODLING. Mr. Speaker, in accordance with rule XX and by direction of the Committee on Education and the Workforce, with the concurrence of the Committee on the Judiciary, I move to take from the Speaker's table the Senate bill (S. 2073) to authorize appropriations for the National Center for Missing and Exploited Children, with House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) is recognized for one hour.

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

Mr. Speaker, I rise in support of my motion. The bill addresses the problem of juvenile crime in this country. We all know that juvenile crime is not going to go away on its own.

For two Congresses we have attempted to address the problem of juvenile crime through legislation supporting accountability and prevention programs. Yet we have not produced a final bill. While the states have their own initiatives to combat juvenile crime, they rely on the resources we have provided them through laws such as the Juvenile Justice and Delinquency Prevention Act, which expired in 1996. Today's action is merely an effort to get to conference with the Senate. H.R. 3 passed the House by a vote of 286 to 123. H.R. 1818 passed the House by a vote of 413 to 14.

We need to address juvenile crime through a two-pronged approach. First, we must send a message to our youth that we will not tolerate their involvement in criminal activity. We can do this through the imposition of appropriate punishment for each crime they commit.

Second, we need to work with the youth at risk of committing juvenile acts and those who have already been in touch with the juvenile justice system to prevent their involvement in criminal activities.

I realize that some of the body have problems with certain of the provisions of the bill, that it is not perfect legislation. However this motion to go to conference is the way to address these concerns. I believe the conferees will have a much better chance to produce an approach to address the problems of juvenile crime with which we can all agree. I encourage my colleagues to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding me time. I will be brief, since I know we promised the minority we would not have any extended debate on this particular issue.

Mr. Speaker, I wanted to rise to say that I am particularly pleased in the waning days of this Congress, the 105th Congress, in our country's history, we are going to be able to go to conference with the Senate on hopefully a comprehensive approach to combating juvenile crime.

As the chairman mentioned, there are two measures that have passed the House, both with strong bipartisan support; H.R. 3, the Committee on the Judiciary bill, and H.R. 1818, the bill that

originated in and was reported out of our Committee on Education and the Workforce. The two bills combined represent very tough anti-crime legislation and legislation that is focused on delinquency prevention.

I think all of us can agree, as I said on the floor when we debated this matter, that the best way to address the problem of increasing or rising juvenile crime in this country is to identify those young people who are at risk of engaging in delinquent behavior, who are at risk of committing crimes, and through appropriate intervention by interceding in their lives early on to provide them and their families, their parents and their guardians, with help and with the resources to divert them out of the juvenile justice system. That is what the comprehensive or combined approach of the two bills attempts to do.

Mr. Speaker, I do hope that we will be able to come back to the House with a comprehensive measure that is balanced, that is bipartisan and that is tough on punishment but smart on prevention. Obviously, I am very much in support of the motion to go to conference.

Mr. Speaker, I thank the chairman for yielding me time, and look forward to being able to get into those deliberations with our colleagues in the other body.

Ms. DUNN. Mr. Speaker, today I rise to speak in support of this motion, and to remind my colleagues that not only will this bill reauthorize the National Center for Missing and Exploited Children, it will also strengthen the process already in place where communities will be notified when a violent sexual predator is released.

Action on sexual predators was prompted years ago in my home state of Washington by the grisly crimes of repeat sexual offender Earl Shriner. Shriner had a 24-year history of violent sexual assaults on young people and confirmed all the studies of high rates of recidivism. He was repeatedly jailed and released—committing the same crimes for which he was first incarcerated over and over again.

After a series of other crimes committed by repeat sexual offenders like Earl Shriner, the Washington State legislature met in a 1990 special session and passed the Sexually Violent Predators Act.

The Senior Senator from Washington then brought our state model back to D.C. to implement on the federal level. I worked in the House to include the model in the 1994 Crime bill. The sad incident in New Jersey with Megan Kanka was unfortunately an additional factor, and the impetus for including sexually violent predator language in the 1994 Crime bill. With the Senior Senator's help, Mr. Zimmer and I were able to convince conferees on the 1994 crime bill to include community notification, registration, and tracking of sexually violent predators in the bill.

Since the 1994 crime law, and the subsequent enactment of Megan's Law, almost all states have developed tracking programs that require convicted sexual predators to register with local law enforcement agencies upon release and allow officials to notify local communities of their presence.

Empowering families, women, and children with the knowledge that a potential threat is present in their community enables them to take the necessary precautions to ensure that there are not second, third or fourth victims. Communities must know when a sexual predator has moved in next door or down the street. Now, Mr. Speaker, it is time that we take this good law one step further before we are shocked once again to hear of a needless death or crime committed by a violent sexual offender.

Included in this bill is an amendment I offered with my colleagues, Mr. PAPPAS, Mr. DEAL, and Mr. CUNNINGHAM. This amendment requires each state to create a method by which it will notify parents when a juvenile sex offender is enrolled in their child's elementary or secondary school.

This is a simple refinement of the work we have done in the past, in order for the law to accomplish what Congress intended: ensuring the safety and well-being of our children as they attend school.

Some of our colleagues may wonder why notification under Megan's Law is not enough. Oftentimes our schools include students from a variety of nearby communities. Community notification, therefore, will not reach some of the parents of these children. Without this knowledge, parents would not be able to take the necessary precautions to protect their children from being victims of a possible re-offense. Parents deserve the peace of mind of knowing that their children will be safe from sexual predators as they attend school.

Mr. Speaker, this provision complements Megan's Law and empowers parents whose children attend schools outside their communities, as well as those whose children go to neighborhood schools.

We simply cannot let what happened to Megan Kanka happen again. Not in any community and, especially, not on a playground during recess.

I urge my colleagues to show their support for children and families and vote to send this bill to conference.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING).

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

Mr. RIGGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Further proceedings on this motion will be postponed until 5 p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 40 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1702

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Everett) at 5 o'clock and 2 minutes p.m.

APPOINTMENT OF CONFEREES ON S. 2073, JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1998

The SPEAKER pro tempore. The pending business is the vote on the motion to request a conference on S. 2073 offered by the gentleman from Pennsylvania (Mr. GOODLING) on which further proceedings were postponed earlier today.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 376, nays 36, not voting 22, as follows:

[Roll No. 474]

YEAS—376

Abercrombie	Carson	Forbes
Ackerman	Castle	Ford
Aderholt	Chabot	Fox
Allen	Chambliss	Frank (MA)
Andrews	Chenoweth	Franks (NJ)
Archer	Christensen	Frelinghuysen
Armey	Clay	Frost
Bachus	Clayton	Gallegly
Baesler	Clement	Ganske
Baker	Coble	Gejdenson
Baldacci	Coburn	Gekas
Ballenger	Collins	Gephardt
Barcia	Combest	Gibbons
Barr	Condit	Gilchrest
Barrett (NE)	Cook	Gillmor
Barrett (WI)	Cooksey	Gilman
Bartlett	Costello	Gonzalez
Barton	Cox	Goode
Bass	Coyne	Goodlatte
Bateman	Cramer	Goodling
Becerra	Crapo	Gordon
Bentsen	Cubin	Graham
Bereuter	Cummings	Granger
Berman	Cunningham	Green
Berry	Danner	Greenwood
Bilbray	Davis (FL)	Gutierrez
Bilirakis	Davis (IL)	Gutknecht
Bishop	Davis (VA)	Hall (OH)
Blagojevich	DeGette	Hall (TX)
Bliley	DeLauro	Hamilton
Blumenauer	DeLay	Hansen
Blunt	Deutsch	Hastert
Boehlert	Diaz-Balart	Hastings (FL)
Boehner	Dickey	Hastings (WA)
Bonilla	Dingell	Hayworth
Bono	Dixon	Hefley
Borski	Doggett	Hefner
Boswell	Dooley	Herger
Boucher	Doolittle	Hill
Boyd	Doyle	Hilleary
Brady (PA)	Dreier	Hinojosa
Brady (TX)	Duncan	Hobson
Brown (CA)	Dunn	Hoekstra
Brown (FL)	Edwards	Holden
Brown (OH)	Ehlers	Hooley
Bryant	Ehrlich	Horn
Bunning	Emerson	Hostettler
Burr	Engel	Houghton
Burton	English	Hoyer
Buyer	Ensign	Hunter
Calvert	Eshoo	Hutchinson
Camp	Etheridge	Hyde
Campbell	Evans	Istook
Canady	Everett	Jackson (IL)
Cannon	Ewing	Jefferson
Capps	Fattah	Jenkins
Cardin	Foley	John

Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—36

Bonior
Clyburn
Conyers
DeFazio
Delahunt
Farr
Fazio
Filner
Furse
Hilliard
Hinchey
Jackson-Lee (TX)
Kennedy (RI)
Lee
Lewis (GA)
Lofgren
McDermott
McKinney
Mink
Nadler
Oberstar
Olver
Owens
Payne
Pelosi
Rahall
Roybal-Allard
Sabo
Sanders
Scott
Slaughter
Stark
Waters
Woolsey
Wynn
Yates

NOT VOTING—22

Callahan
Crane
Deal
Dicks
Fawell
Fossella
Fowler
Goss
Harman
Hulshof
Inglis
Kennelly
King (NY)
Martinez
McCrery
McInnis
Packard
Poshard
Pryce (OH)
Quinn
Rothman
Thompson

□ 1723

Messrs. YATES, OWENS, OLVER and OBERSTAR changed their vote from ''yea'' to ''nay.''

Mr. HILL and Ms. KILPATRICK changed their vote from ''nay'' to ''yea.''

So the motion 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. EVERETT). Without objection, the Chair appoints the following conferees: Messrs. GOODLING, CASTLE, SOUDER, HYDE, MCCOLLUM, HUTCHINSON, MARTINEZ, SCOTT, CONYERS and Ms. JACKSON-LEE of Texas.

There was no objection.

PERSONAL EXPLANATION

Mr. FOSELLA. Mr. Speaker, on rollcall No. 474, I was unavoidably detained. Had I been present, I would have voted ''yea.''

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3789, CLASS ACTION JURISDICTION ACT OF 1998

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–758) on the resolution (H. Res. 560) providing for consideration of the bill (H.R. 3789) to amend title 28, United States Code, to enlarge Federal Court jurisdiction over purported class actions, which was referred to the House Calendar and ordered to be printed.

EXTENDING DATE BY WHICH AUTOMATED ENTRY-EXIT CONTROL SYSTEM MUST BE DEVELOPED

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 4658) to extend the date by which an automated entry-exit control system must be developed, 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 Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4658

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

SECTION 1. EXTENSION OF DATE FOR DEVELOPMENT OF AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

Section 110 of division C of Public Law 104–208 is amended by striking ''2 years after the date of enactment of this Act'' and inserting ''October 15, 1998''.

Mr. SMITH of Texas. Mr. Speaker, today I introduced H.R. 4658, which briefly extends the deadline for implementing Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Section 110(a) of the 1996 Act required that the Attorney General establish an automated entry-exit control system for all aliens at all ports of entry—land, air and sea—''no later than two years after the date of enactment'' of the 1996 Act. Since the 1996 Act was enacted on September 30, 1996, the two year deadline for implementation is now.

The Immigration and Naturalization Service has indicated that it needs more time to implement a control system at the land and sea ports.

As a result, the House of Representatives passed the Solomon bill, H.R. 2920, by a vote of 325 to 90 on November 10, 1997. This bill extends the deadline for implementing Section 110 on land borders to October 1, 1999, and requires that the system ''not significantly disrupt trade, tourism, or other legitimate cross-border traffic at land border points of entry.''

The Senate passed a different version of H.R. 2920. The Senate version does not require the implementation of Section 110 at the land and sea ports. Rather, it merely requires that the Attorney General conduct a 2 year study on the feasibility and cost of developing and implementing an automated entry-exit control system at land and seaports. The report only requires that the INS estimate how long it will take to implement Section 110 but does not require implementation.

The Senate also inserted a provision into the Commerce, Justice, State (CJS) appropriations bill that would repeal Section 110.

We know that the deadline for implementation is upon us. However, due to other issues that have arisen in recent weeks, the House and Senate have not yet reached an agreement on how to amend Section 110.

This bill prohibits the Attorney General from implementing Section 110(a) before October 15, 1998. This brief two-week extension will allow the House and the Senate enough time to come up with a compromise on this issue.

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.

YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2392) to encourage to disclosure and exchange of information about computer processing problems, solutions, test practices and test results, and related matters in connection with the transition to the year 2000, 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?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2392

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 ''Year 2000 Information and Readiness Disclosure Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1)(A) At least thousands but possibly millions of information technology computer systems, software programs, and semiconductors are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process those dates.

(B) The problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, government, and safety and defense systems, in the United States and throughout the world.

(C) Reprogramming or replacing affected systems before the problem incapacitates essential systems is a matter of national and global interest.

(2) The prompt, candid, and thorough disclosure and exchange of information related to year 2000 readiness of entities, products, and services—

(A) would greatly enhance the ability of public and private entities to improve their year 2000 readiness; and

(B) is therefore a matter of national importance and a vital factor in minimizing any potential year 2000 related disruption to the Nation's economic well-being and security.

(3) Concern about the potential for legal liability associated with the disclosure and exchange of year 2000 readiness information is impeding the disclosure and exchange of such information.

(4) The capability to freely disseminate and exchange information relating to year 2000 readiness, solutions, test practices and test results, with the public and other entities without undue concern about litigation is critical to the ability of public and private entities to address year 2000 needs in a timely manner.

(5) The national interest will be served by uniform legal standards in connection with the disclosure and exchange of year 2000 readiness information that will promote disclosures and exchanges of such information in a timely fashion.

(b) PURPOSES.—Based upon the powers contained in article I, section 8, clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to promote the free disclosure and exchange of information related to year 2000 readiness;

(2) to assist consumers, small businesses, and local governments in effectively and rapidly responding to year 2000 problems; and

(3) to lessen burdens on interstate commerce by establishing certain uniform legal principles in connection with the disclosure and exchange of information related to year 2000 readiness.

SEC. 3. DEFINITIONS.

In this Act:

(1) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given to it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) CONSUMER.—The term ''consumer'' means an individual who acquires a consumer product for purposes other than resale.

(3) CONSUMER PRODUCT.—The term ''consumer product'' means any personal property or service which is normally used for personal, family, or household purposes.

(4) COVERED ACTION.—The term ''covered action'' means civil action of any kind, whether arising under Federal or State law, except for an action brought by a Federal, State, or other public entity, agency, or authority acting in a regulatory, supervisory, or enforcement capacity.

(5) MAKER.—The term ''maker'' means each person or entity, including the United States or a State or political subdivision thereof, that—

(A) issues or publishes any year 2000 statement;

(B) develops or prepares any year 2000 statement; or

(C) assists in, contributes to, or reviews, reports or comments on during, or approves, or otherwise takes part in the preparing, developing, issuing, approving, or publishing of any year 2000 statement.

(6) REPUBLICATION.—The term ''republication'' means any repetition, in whole or in part, of a year 2000 statement originally made by another.

(7) YEAR 2000 INTERNET WEBSITE.—The term ''year 2000 Internet website'' means an Internet website or other similar electronically accessible service, clearly designated on the website or service by the person or entity creating or controlling the content of the website or service as an area where year 2000 statements concerning that person or entity are posted or otherwise made accessible to the general public.

(8) YEAR 2000 PROCESSING.—The term ''year 2000 processing'' means the processing (including calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date data from, into, and between the 20th and 21st centuries, and during the years 1999 and 2000, and leap year calculations.

(9) YEAR 2000 READINESS DISCLOSURE.—The term ''year 2000 readiness disclosure'' means any written year 2000 statement—

(A) clearly identified on its face as a year 2000 readiness disclosure;

(B) inscribed on a tangible medium or stored in an electronic or other medium and retrievable in perceivable form; and

(C) issued or published by or with the approval of a person or entity with respect to year 2000 processing of that person or entity or of products or services offered by that person or entity.

(10) YEAR 2000 REMEDIATION PRODUCT OR SERVICE.—The term ''year 2000 remediation product or service'' means a software program or service licensed, sold, or rendered by a person or entity and specifically designed to detect or correct year 2000 processing problems with respect to systems, products, or services manufactured or rendered by another person or entity.

(11) YEAR 2000 STATEMENT.—

(A) IN GENERAL.—The term ''year 2000 statement'' means any communication or other conveyance of information by a party to another or to the public, in any form or medium—

(i) concerning an assessment, projection, or estimate concerning year 2000 processing capabilities of an entity, product, service, or set of products and services;

(ii) concerning plans, objectives, or timetables for implementing or verifying the year 2000 processing capabilities of an entity, product, service, or set of products and services;

(iii) concerning test plans, test dates, test results, or operational problems or solutions related to year 2000 processing by—

(I) products; or

(II) services that incorporate or utilize products; or

(iv) reviewing, commenting on, or otherwise directly or indirectly relating to year 2000 processing capabilities.

(B) NOT INCLUDED.—For the purposes of any action brought under the securities laws, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), the term year 2000 statement does not include statements contained in any documents or materials filed with the Securities and Exchange Commission, or with Federal banking regulators, pursuant to section 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 781(i)), or disclosures or writing that when made accompanied the solicitation of an offer or sale of securities.

SEC. 4. PROTECTION FOR YEAR 2000 STATEMENTS.

(a) EVIDENCE EXCLUSION.—No year 2000 readiness disclosure, in whole or in part, shall be admissible against the maker of that disclosure to prove the accuracy or truth of any year 2000 statement set forth in that disclosure, in any covered action brought by another party except that—

(1) a year 2000 readiness disclosure may be admissible to serve as the basis for a claim for anticipatory breach, or repudiation of a contract, or a similar claim against the maker, to the extent provided by applicable law; and

(2) the court in any covered action shall have discretion to limit application of this subsection in any case in which the court determines that the maker's use of the year 2000 readiness disclosure amounts to bad faith or fraud, or is otherwise beyond what is reasonable to achieve the purposes of this Act.

(b) FALSE, MISLEADING AND INACCURATE YEAR 2000 STATEMENTS.—Except as provided in subsection (c), in any covered action, to the extent that such action is based on an allegedly false, inaccurate, or misleading year 2000 statement, the maker of that year 2000 statement shall not be liable under Federal or State law with respect to that year 2000 statement unless the claimant establishes, in addition to all other requisite elements of the applicable action, by clear and convincing evidence, that—

(1) the year 2000 statement was material; and

(2)(A) to the extent the year 2000 statement was not a republication, that the maker made the year 2000 statement—

(i) with actual knowledge that the year 2000 statement was false, inaccurate, or misleading;

(ii) with intent to deceive or mislead; or

(iii) with a reckless disregard as to the accuracy of the year 2000 statement; or

(B) to the extent the year 2000 statement was a republication that the maker of the republication made the year 2000 statement—

(i) with actual knowledge that the year 2000 statement was false, inaccurate, or misleading;

(ii) with intent to deceive or mislead; or

(iii) without notice in that year 2000 statement that—

(I) the maker has not verified the contents of the republication; or

(II) the maker is not the source of the republication and the republication is based on information supplied by another person or entity identified in that year 2000 statement or republication.

(c) DEFAMATION OR SIMILAR CLAIMS.—In a covered action arising under any Federal or State law of defamation, trade disparagement, or a similar claim, to the extent such action is based on an allegedly false, inaccurate, or misleading year 2000 statement, the maker of that year 2000 statement shall not be liable with respect to that year 2000 statement, unless the claimant establishes by clear and convincing evidence, in addition to all other requisite elements of the applicable action, that the year 2000 statement was made with knowledge that the year 2000 statement was false or made with reckless disregard as to its truth or falsity.

(d) YEAR 2000 INTERNET WEBSITE.—

(1) IN GENERAL.—Except as provided in paragraph (2), in any covered action, other than a covered action involving personal injury or serious physical damage to property, in which the adequacy of notice about year 2000 processing is at issue, the posting, in a commercially reasonable manner and for a commercially reasonable duration, of a notice by the entity charged with giving such notice on the year 2000 Internet website of that entity shall be deemed an adequate mechanism for providing that notice.

(2) EXCEPTION.—Paragraph (1) shall not apply if the court finds that the use of the mechanism of notice—

(A) is contrary to express prior representations regarding the mechanism of notice made by the party giving notice;

(B) is materially inconsistent with the regular course of dealing between the parties; or

(C) occurs where there have been no prior representations regarding the mechanism of notice, no regular course of dealing exists between the parties, and actual notice is clearly the most commercially reasonable means of providing notice.

(3) CONSTRUCTION.—Nothing in this subsection shall—

(A) alter or amend any Federal or State statute or regulation requiring that notice about year 2000 processing be provided using a different mechanism;

(B) create a duty to provide notice about year 2000 processing;

(C) preclude or suggest the use of any other medium for notice about year 2000 processing or require the use of an Internet website; or

(D) mandate the content or timing of any notices about year 2000 processing.

(e) LIMITATION ON EFFECT OF YEAR 2000 STATEMENTS.—

(1) IN GENERAL.—In any covered action, a year 2000 statement shall not be interpreted or construed as an amendment to or alteration of a contract or warranty, whether entered into by or approved for a public or private entity.

(2) NOT APPLICABLE.—

(A) IN GENERAL.—This subsection shall not apply—

(i) to the extent the party whose year 2000 statement is alleged to have amended or altered a contract or warranty has otherwise agreed in writing to so alter or amend the contract or warranty;

(ii) to a year 2000 statement made in conjunction with the formation of the contract or warranty; or

(iii) if the contract or warranty specifically provides for its amendment or alteration through the making of a year 2000 statement.

(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect applicable Federal or State law in effect as of the date of enactment of this Act with respect to determining the extent to which a year 2000 statement affects a contract or warranty.

(f) SPECIAL DATA GATHERING.—

(1) IN GENERAL.—A Federal entity, agency, or authority may expressly designate a request for the voluntary provision of information relating to year 2000 processing, including year 2000 statements, as a special year 2000 data gathering request made pursuant to this subsection.

(2) SPECIFICS.—A special year 2000 data gathering request made under this subsection shall specify a Federal entity, agency, or authority, or, with its consent, another public or private entity, agency, or authority, to gather responses to the request.

(3) PROTECTIONS.—Except with the express consent or permission of the provider of information described in paragraph (1), any year 2000 statements or other such other information provided by a party in response to a special year 2000 data gathering request made under this subsection—

(A) shall be exempt from disclosure under subsection (b)(4) of section 552 of title 5, United States Code, commonly known as the ''Freedom of Information Act'';

(B) shall not be disclosed to any third party; and

(C) may not be used by any Federal entity, agency, or authority or by any third party, directly or indirectly, in any civil action arising under any Federal or State law.

(4) EXCEPTIONS.—

(A) INFORMATION OBTAINED ELSEWHERE.—Nothing in this subsection shall preclude a Federal entity, agency, or authority, or any third party, from separately obtaining the information submitted in response to a request under this subsection through the use of independent legal authorities, and using such separately obtained information in any action.

(B) VOLUNTARY DISCLOSURE.—A restriction on use or disclosure of information under this subsection shall not apply to any information disclosed to the public with the express consent of the party responding to a special year 2000 data gathering request or disclosed by such party separately from a response to a special year 2000 data gathering request.

SEC. 5. TEMPORARY ANTITRUST EXEMPTION.

(a) EXEMPTION.—Except as provided in subsection (b), the antitrust laws shall not apply to conduct engaged in, including making and implementing an agreement, solely for the purpose of and limited to—

(1) facilitating responses intended to correct or avoid a failure of year 2000 processing in a computer system, in a component of a computer system, in a computer program or software, or services utilizing any such system, component, program, or hardware; or

(2) communicating or disclosing information to help correct or avoid the effects of year 2000 processing failure

(b) APPLICABILITY.—Subsection (a) shall apply only to conduct that occurs, or an agreement that is made and implemented, after the date of enactment of this Act and before July 14, 2001.

(c) EXCEPTION TO EXEMPTION.—Subsection (a) shall not apply with respect to conduct that involves or results in an agreement to boycott any person, to allocate a market or fix prices or output.

(d) RULE OF CONSTRUCTION.—The exemption granted by this section shall be construed narrowly.

SEC. 6. EXCLUSIONS.

(a) EFFECT ON INFORMATION DISCLOSURE.—This Act does not affect, abrogate, amend, or alter the authority of a Federal or State entity, agency, or authority to enforce a requirement to provide or disclose, or not to provide or disclose, information under a Federal or State statute or regulation or to enforce such statute or regulation.

(b) CONTRACTS AND OTHER CLAIMS.—

(1) IN GENERAL.—Except as may be otherwise provided in subsections (a) and (e) of section 4, this Act does not affect, abrogate, amend, or alter any right established by contract or tariff between any person or entity, whether entered into by a public or private person or entity, under any Federal or State law.

(2) OTHER CLAIMS.—

(A) IN GENERAL.—In any covered action brought by a consumer, this Act does not apply to a year 2000 statement expressly made in a solicitation, including an advertisement or offer to sell, to that consumer by a seller, manufacturer, or provider of a consumer product.

(B) SPECIFIC NOTICE REQUIRED.—In any covered action, this Act shall not apply to a year 2000 statement, concerning a year 2000 remediation product or service, expressly made in an offer to sell or in a solicitation (including an advertisement) by a seller, manufacturer, or provider, of that product or service unless, during the course of the offer or solicitation, the party making the offer or solicitation provides the following notice in accordance with section 4(d):

''Statements made to you in the course of this sale are subject to the Year 2000 Information and Readiness Disclosure Act (___ U.S.C. ___). In the case of a dispute, this Act may reduce your legal rights regarding the use of any such statements, unless otherwise specified by your contract or tariff.''.

(3) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to preclude any claims that are not based exclusively on year 2000 statements.

(c) DUTY OR STANDARD OF CARE.—

(1) IN GENERAL.—This Act shall not impose upon the maker of any year 2000 statement any more stringent obligation, duty, or standard of care than is otherwise applicable under any other Federal law or State law.

(2) ADDITIONAL DISCLOSURE.—This Act does not preclude any party from making or providing any additional disclosure, disclaimer, or similar provisions in connection with any year 2000 readiness disclosure or year 2000 statement.

(3) DUTY OF CARE.—This Act shall not be deemed to alter any standard or duty of care owed by a fiduciary, as defined or determined by applicable Federal or State law.

(d) INTELLECTUAL PROPERTY RIGHTS.—This Act does not affect, abrogate, amend, or alter any right in a patent, copyright, semiconductor mask work, trade secret, trade name, trademark, or service mark, under any Federal or State law.

(e) INJUNCTIVE RELIEF.—Nothing in this Act shall be deemed to preclude a claimant from seeking injunctive relief with respect to a year 2000 statement.

SEC. 7. APPLICABILITY.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this section, this Act shall become effective on the date of enactment of this Act.

(2) APPLICATION TO LAWSUITS PENDING.—This Act shall not affect or apply to any lawsuit pending on July 14, 1998.

(3) APPLICATION TO STATEMENTS AND DISCLOSURES.—Except as provided in subsection (b)—

(A) this Act shall apply to any year 2000 statement made beginning on July 14, 1998 and ending on July 14, 2001; and

(B) this Act shall apply to any year 2000 readiness disclosure made beginning on the date of enactment of this Act and ending on July 14, 2001.

(b) PREVIOUSLY MADE READINESS DISCLOSURE.—

(1) IN GENERAL.—For the purposes of section 4(a), a person or entity that issued or published a year 2000 statement after January 1, 1996, and before the date of enactment of this Act, may designate that year 2000 statement as a year 2000 readiness disclosure if—

(A) the year 2000 statement complied with the requirements of section 3(9) when made, other than being clearly designated on its face as a disclosure; and

(B) within 45 days after the date of enactment of this Act, the person or entity seeking the designation—

(i) provides individual notice that meets the requirements of paragraph (2) to all recipients of the applicable year 2000 statement; or

(ii) prominently posts notice that meets the requirements of paragraph (2) on its year

2000 Internet website, commencing prior to the end of the 45-day period under this subparagraph and extending for a minimum of 45 consecutive days and also by using the same method of notification used to originally provide the applicable year 2000 statement.

(2) REQUIREMENTS.—A notice under paragraph (1)(B) shall—

(A) state that the year 2000 statement that is the subject of the notice is being designated a year 2000 readiness disclosure; and

(B) include a copy of the year 2000 statement with a legend labeling the statement as a ''Year 2000 Readiness Disclosure''.

(c) EXCEPTION.—No designation of a year 2000 statement as a year 2000 readiness disclosure under subsection (b) shall apply with respect to any person or entity that—

(1) proves, by clear and convincing evidence, that it relied on the year 2000 statement prior to the receipt of notice described above and it would be prejudiced by the retroactive designation of the year 2000 statement as a year 2000 readiness disclosure; and

(2) provides to the person or entity seeking the designation a written notice objecting to the designation within 45 days after receipt of individual notice under subsection (b)(1)(B)(i), or within 180 days after the date of enactment of this Act, in the case of notice provided under subsection (b)(1)(B)(ii).

SEC. 8. YEAR 2000 COUNCIL WORKING GROUPS.

(a) IN GENERAL.—

(1) WORKING GROUPS.—The President's Year 2000 Council (referred to in this section as the ''Council'') may establish and terminate working groups composed of Federal employees who will engage outside organizations in discussions to address the year 2000 problems identified in section 2(a)(1) to share information related to year 2000 readiness, and otherwise to serve the purposes of this Act.

(2) LIST OF GROUPS.—The Council shall maintain and make available to the public a printed and electronic list of the working groups, the members of each working group, and a point of contact, together with an address, telephone number, and electronic mail address for the point of contact, for each working group created under this section.

(3) BALANCE.—The Council shall seek to achieve a balance of participation and representation among the working groups.

(4) ATTENDANCE.—The Council shall maintain and make available to the public a printed and electronic list of working group members who attend each meeting of a working group as well as any other individuals or organizations participating in each meeting.

(5) MEETINGS.—Each meeting of a working group shall be announced in advance in accordance with procedures established by the Council. The Council shall encourage working groups to hold meetings open to the public to the extent feasible and consistent with the activities of the Council and the purposes of this Act.

(b) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working groups established under this section.

(c) PRIVATE RIGHT OF ACTION.—This section creates no private right of action to sue for enforcement of the provisions of this section.

(d) EXPIRATION.—The authority conferred by this section shall expire on December 31, 2000.

SEC. 9. NATIONAL INFORMATION CLEARINGHOUSE AND WEBSITE.

(a) NATIONAL WEBSITE.—

(1) IN GENERAL.—The Administrator of General Services shall create and maintain until July 14, 2002, a national year 2000 website, and promote its availability, designed to assist consumers, small business, and local governments in obtaining information from other governmental websites, hotlines, or information clearinghouses about year 2000 Processing of computers, systems, products and services, including websites maintained by independent agencies and other departments.

(2) CONSULTATION.—In creating the national year 2000 website, the Administrator of General Services shall consult with—

(A) the Director of the Office of Management and Budget;

(B) the Administrator of the Small Business Administration;

(C) the Consumer Product Safety Commission;

(D) officials of State and local governments;

(E) the Director of the National Institute of Standards and Technology;

(F) representatives of consumer and industry groups; and

(G) representatives of other entities, as determined appropriate.

(b) REPORT.—The Administrator of General Services shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than 60 days after the date of enactment of this Act regarding planning to comply with the requirements of this section.

Ms. ESHOO. Mr. Speaker, I rise today in support of the Year 2000 Information and Readiness Disclosure Act.

As the lead Democratic co-sponsor of the House version of S. 2392, I'm pleased the House is considering this very critical legislation which will assist businesses and government agencies in solving the Year 2000 problem. This legislation enjoys broad bipartisan support here in the House, the Administration, and a wide spectrum of American industry.

The threat of lawsuits as a result of Year 2000 problems has kept some companies from releasing information for fear the information could be used against them in law suits. This fear of liability has put a stranglehold on public disclosures about Year 2000 readiness.

Mr. Speaker, I've met with senior executives from the high technology industry—in particular, I've spoken with several General Counsels from these companies. They've told me that without this legislation, they must recommend to their companies that Year 2000 information remain locked up.

The bill addresses this very serious problem by facilitating the voluntary exchange of information for Year 2000 preparedness solutions through the issuance of statements to assist in Year 2000 remediation.

Mr. Speaker, businesses and government organizations need to be candid about their progress on Year 2000 readiness. This legislation frees organizations to communicate more openly with the public and, just as importantly, with each other, about the status of Year 2000 work on critical systems.

This legislation is not about limiting liability, it's about limiting disincentives to disclosure. We need to create an environment that fosters cooperation and consultation, not fear and paranoia.

There are 456 days until January 1, 2000. This bi-partisan legislation sends a strong signal in helping our Nation prepare its computer systems for the new millennium.

I thank my colleague from California, Mr. DREIER for his work on this issue. I believe this legislation goes a long way to solving the Y2K problem.

Mr. DREIER. Mr. Speaker, we are 456 days from January 1, 2000. The dawn of the new millennium. A time of great hope and anticipation for many Americans; in fact, for people the world over.

You can bet that there will be some very serious time and effort put into preparing festivities befitting a truly historic moment. Even so, as big a day as January 1, 2000 promises to be, most Americans probably think it's a little time early to prepare their New Year's resolutions and parties. I have to agree.

However, the same does not hold true for the federal government. People are increasingly coming to grips with the fact that there is a potential Year 2000 computer problem. Some people call it a millennium bug, and if we don't focus on solving this problem, it may have a ripple effect that impacts virtually every aspect of daily life.

When we talk about this issue, we must underscore the word ''potential'' problem. I am not an alarmist. We don't know what will happen to hundreds of millions of computer and electronic systems when their internal clocks turn from year ''99'' to year ''00.'' In many cases, the answer may be nothing.

However, being prudent is completely different from being an alarmist. We need to be prudent because the more the federal government does to detect and solve this problem, the more local governments and public utilities do to detect and avoid this problem and the more private businesses do to detect and avoid this problem, the less impact it is likely to have on American families.

Prudence and problem solving were the principles that led me to join my colleague from Atherton, California, ANNA ESHOO in sponsoring H.R. 4455, the Year 2000 Readiness Disclosure Act on August 6th. This legislation, which served as a basis for the bipartisan product of the Senate Judiciary Committee that we are considering here today, encourages our nation's private sector, the most creative and energetic force for change that can be harnessed in this effort, to get down to business on this problem.

The first important step that must be taken, and this is the view of a broad spectrum of experts including John Koskinen, the Executive Branch point-man on the Year 2000 transition, is to dramatically increase the sharing of information on this ''potential'' problem. The reality is that most companies are not sharing very much news on the status of their Year 2000 preparations. The reason they cite is litigation concerns.

Now, the sad fact is that if real problems are caused by the transition to the Year 2000, and we all hope our efforts today will make that less likely, there are sure to be plenty of lawsuits trying to place blame and win damages. Some people estimate a trillion dollars in litigation. Those numbers can chill any corporate legal counsel into advising clients to say as little as possible.

Mr. Speaker, this bill is not the whole Year 2000 litigation answer, but it is a start. It will give businesses more confidence that they can talk about the state of their Year 2000 readiness—problems and solutions—without the fear that they are simply arming lawyers planning to hit them with big Year 2000 lawsuits.

There is more to be done to ensure that national energies and resources, both in the government and in the private sector, are directed at solving and avoiding problems rather than preparing for and fighting litigation. That is in the best interest of American families.

In addition, we need to make sure that America's high technology industry, one of the fastest growing and most important sectors of our economy, creating millions of good jobs for working Americans, is not bankrupted as a scapegoat for a problem set in place decades ago.

Mr. Speaker, there is much to do next year, but today, this is the right first step. I encourage all of my colleagues to support this truly bipartisan bill so that it can be sent to the President and we can begin to eliminate one of the hurdles to solving the potential Year 2000 problem.

Mr. DOYLE. Mr. Speaker, I rise to urge my colleagues to support this important effort to deal with the Year 2000 computer problem.

This bill is the Senate counterpart to a House bill, H.R. 4355, that I was pleased to cosponsor on behalf of the Administration. This bill has now been amended to represent a bipartisan agreement on how we can encourage companies to pool their information as they deal with the Y2K problem.

At the same time, this bill would not shield companies from liability for products that fail.

I'd like to commend the fine men and women from the House and Senate authorizing Committees who have put so much hard work into this issue over the past few years, as well as the many people in the Administration who have been working this for a long time as well.

When taken together, I'm pleased to be able to say that this bill shows that the important work of governing in Washington is still going on. There's still a lot of work to be done to make the Year 2000 computer fix happen, and it's going to take more of this kind of cooperation to get it done. Again, I'd like to thank my colleagues who've put in so much hard work on this bill, and I urge all the rest of us to support it.

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. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2392, the legislation just passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize special orders without prejudice to resumption of business.

□ 1730

WORLD FINANCIAL MARKETS

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the world financial markets have been in chaos now for nearly a year and a half. The problem surrounding long-term capital investment is only one more item to add to the list. The entire process represents the unwinding of speculative investments encouraged by years of easy credit. By the way, Long Term Credit Management is not even an American corporation. It is registered in the Cayman Islands, I am sure for tax purposes.

The mess we are witnessing in the world today was a predictable event. Artificially low interest rates and easy credit causes malinvestment, overcapacity, excessive borrowing and uncontrolled speculation.

We have had now for 27 years a world saturated with fiat currencies and not one has had a definable unit of account.

There have been no restraints on the world monetary managers to expand their money supplies, fix short-term interest rates or deliberately debase their currencies. Although.

Short-term benefits were enjoyed, it is clear now they were not worth the resulting chaos. We need not look for the cause which puts the dollar, our economy and our financial markets at risk. The previous boom supported by the illusion of wealth coming from money creation is the cause of current world events, and it guarantees further unwinding of the speculative orgy of the past decades.

This cannot be prevented. All that we can hope for is to not prolong the agony, as our monetary and fiscal policies did in the U.S. in the 1930s and as they are currently doing in Japan and elsewhere in the world.

More Federal Reserve fixing of interest rates and credit expansion can hardly solve our problems when this has been precisely the cause of the mess in which we currently find ourselves.

Price fixing of interest rates contradicts the basic tenets of capitalism. Let it no more be said that today's mess with financial markets is a result of capitalism's shortcomings. Nothing is further from the truth. Allowing the market to operate even under today's dangerous conditions is still the best option for dealing with hedge fund's gambling mistakes, both current and future.

A Federal Reserve orchestrated and arm-twisting bailout of LTCM associated with less than a coincidentally announced credit expansion only puts long-term pressure on the dollar. All Americans suffer when the dollar is debased. Congress's responsibility is to the dollar and not foreign currencies, not foreign economies or international hedge funds which get in over their heads.

No amount of regulation could have prevented or in the future prevent the inevitable mistakes made in an economy that is misled by rigged interest rates or a money supply dictated by central planners in a fiat money system. Hedge fund operations, because they are international in scope, are impossible to regulate and for the current ongoing crisis it is too late anyway.

Credit conditions that allow a company with less than $1 billion in capital to buy $100 billion worth of stock with borrowed money and manage $1.2 trillion worth of derivatives is about as classic an example as one could ever find of speculative excess brought on by easy credit. As long as capital is thought to come from a computer at the Federal Reserve and not from savings, the financial problems the world faces today will persist.

Our problems today should not be used to justify a worldwide central bank, as has been proposed. What we need is sound money without the central planning efforts of a Federal Reserve system fixing interest rates and regulating the money supply. Let us give freedom a chance.

ON EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, we will vote later this week to reauthorize the Higher Education Act. This is bipartisan legislation at its best. It will open the doors of opportunity to millions of young people. Increasing financial aid will bring the priceless advantages of college education to many who now cannot afford it.

I am very proud of this bill, proud to be a cosigner, but it is not enough. In order for our children to excel in higher education, we must ensure that they have acquired a solid academic foundation in their elementary and secondary schools. Sadly, this Congress has paid little or no attention to the issues plaguing elementary and secondary education. After I was elected in March, I surveyed the schools in my district. The findings were shocking. They showed skyrocketing enrollments, overcrowded classes, aging buildings, inadequate classrooms and poor facilities in general.

My survey called out for more classrooms, more teachers, more access to technology.

Sadly, these problems are nothing new. My own daughter attended Santa Barbara's Roosevelt Elementary School where she spent all of her elementary years learning in portable classrooms, which are supposed to be a temporary solution. In fact, I just recently visited Cambria Grammar School in San Luis Obispo County, where they do not even have enough portable classrooms to begin to deal with their overcrowding problem.

And at El Camino Junior High School in Santa Maria, the students are crammed into their classrooms and do not even have access to a gymnasium. After spending 20 years myself

working in the Santa Barbara school district as a school nurse, I know our children cannot learn in these environments.

Mr. Speaker, I have been working to pass legislation to deal with these pressing problems. One bill would create State infrastructure banks to leverage private support for school construction loans. Another bill would provide tax credits for school construction bonds and direct them toward the country's highest growth areas.

Another bill would fund 100,000 new teachers throughout our Nation. These teachers are sorely needed in our elementary and high schools. Unfortunately, as the House races to adjournment, these bills appear to have been left behind.

Our children also need access to up-to-date technology. According to a study by the Educational Testing Service, by the year 2005, our country will require more than a million new computer scientists, engineers, systems analysts and computer programmers. Where do you think we are going to find these new employees?

Our children need strong computer skills if they are to compete in the technology-driven job market of tomorrow. Why have we not passed the Computers for the Children Act, which would provide tax incentives to businesses who donate computers to classrooms?

Recently I introduced the Teacher Training Technology Act. My bill provides competitive grants to local school districts for computer training for teachers. Having computers in school is essential. But these computers are of no use to our students if we do not have qualified teachers who are trained sufficiently to effectively train and educate the young people who use them.

Mr. Speaker, our elementary and secondary schools provide children with the basic tools they need for success later in life; yes, for entrance into our secondary and college level of education. Our future health as a Nation depends on the health of our schools. To ignore such a basic national priority is to fail not only our children but ourselves.

MORALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I stand before you at a time when the Nation is concerned about society's morality or lack of morality. The leaders and public figures our children look to for guidance and inspiration fail them too many times. What will the future hold for tomorrow's leaders? How can we as a Congress and as a community of Americans make sure that our children learn the fundamental values of respect, honesty and integrity?

A supportive and loving family and a strong faith in God are the single most important tools we have to teach our children values. Together they have the greatest positive impact on today's youth. But any time and anywhere these values can be encouraged and fostered in the minds of our youth, we all stand to benefit.

I came to the House floor last month to congratulate the Greenville, North Carolina All Star Little League team from my district. They placed second in the country and third in the world in this year's Little League World Series.

These young men know the importance of hard work, dedication and teamwork. And they followed the Little League pledge, and I quote: I trust God, I love my country and I respect its laws. I will play fair and strive to win, but win or lose, I will always do my best.

These are the messages that our children should know and understand. Trust in God, respect the laws of our land, play fair, always do your best. For men and women of any age these are encouraging and motivating words.

Our society is fortunate to have a number of other programs, organizations and clubs that together with a strong and supportive family foster the importance of values and leadership in today's children. These programs have been helping our children for years learn the value of honor, integrity and character. They have helped me, and they continue to help many of our Nation's children today.

The Boy Scouts of America is one of the Nation's largest organizations with more than 5 million youth and adult members. Boy Scouts provides educational programs to build character, train in the responsibilities of active citizenship, and develop personal fitness. Not only do the Boy Scouts strive to promote physical strength, but it promotes strength of character and leadership as well.

In addition, the Girl Scouts of the United States of America is the largest voluntary organization for girls and provides programs to build self-confidence and develop decisionmaking and leadership skills. The Girl Scout promise encourages girls to respect themselves and authority, to be responsible for their actions and work to make the world a better place.

Girl Scouts and Boy Scouts are two well-known community organizations that build confidence and community participation, but there are other organizations that promote these same values through more individualized interests.

For example, the 4–H was established to help young students learn more about agriculture through nature. The 4–H has grown to become a popular organization for children in rural and farming communities like those in my district of eastern North Carolina and across the Nation.

The four Hs stand for head, heart, hands and health and indicate its members' dedication to community and service. The 4–H members across this country say, I pledge my head to clear thinking, my heart to greater loyalty, my hands to larger service and my health to better living, for my club, my community, my country and my world.

These organizations and the many I do not have time to mention, whether they are sports clubs, special interest or leadership training organizations, they all teach our children the importance of unity, trust and responsibility. Promoting the values of community, character and honesty, each works to lead our children by example. Unfortunately, we cannot always choose our children's role models for them. But we can be thankful for the strong leaders within our own communities who give of themselves for our children who are America's future.

To the moms, the dads, the scout leaders, Little League coaches and everyone who shows our children that character and integrity do matter, thank you very much. Together we can build the leaders of tomorrow, leaders we can all be proud of.

FOUNDING FATHERS SAW BIG DIFFERENCE BETWEEN PUBLIC SERVICE AND PRIVATE CONDUCT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, this morning on National Public Radio, author and historian Richard Rosenfeld made some comments which I would now like to share with the Members of the House. These are the words of Mr. Rosenfeld:

> The right of the people to elect their President, and the right of Congress to remove him are competing rights. America's founding fathers knew this. They worried out loud at the Constitutional Convention that if they didn't carefully limit the idea of an impeachable offense, Congress, not Presidential elections, would be deciding who sits in the White House. So on the day the founders defined an impeachable offense, they declared their unanimous intention to limit high crimes and misdemeanors to be actions against the United States. Not private misconduct, unrelated to the operation of government, not sexual misconduct or even lies to cover it up.
>
> If there can be any doubt about the founders' intentions, they gave us plenty of proof during George Washington's first term as President when Congress was investigating the financial affairs of his Treasury Secretary, Alexander Hamilton. Three Members of Congress, including future President James Monroe, confronted Hamilton about payments he had been secretly making to James Reynolds, a convicted securities swindler. Hamilton was forced to admit the payments, but explained them as hush money to avoid public disclosure of adultery he had been committing with James Reynolds' wife. Hamilton had repeated sexual relations with Mrs. Reynolds and the hush money was only part of the coverup. Hamilton got Mrs. Reynolds to burn some incriminating letters and he offered to pay travel expenses if the Reynolds would get out of town.
>
> When Monroe and the others heard Hamilton's confession they decided the matter was private, not public, and that no impeachable

offense had occurred. They kept the adultery, and the coverup, a secret among themselves, and Washington, John Adams, Thomas Jefferson, James Madison, and other founding fathers apparently went along. Congress held no hearings, Congress released nothing to the public, and Hamilton's misconduct remained a secret for 5 long years, until Hamilton was long out of office. Then in 1797, a disgruntled former clerk of the House of Representatives leaked Hamilton's secrets to a muckraking journalist and the whole country learned of Hamilton's adultery and the bribe to cover it up. And what happened?

The following year, in 1798, then President John Adams and former President George Washington nominated Alexander Hamilton to be second in command of the new Federal Army. Second in command to only Washington himself. With Monroe, Madison, Jefferson and other founding fathers maintaining their respectful silence, the United States Senate quickly confirmed this confessed adulterer and liar to occupy for a second time one of the highest offices in the government of the United States.

The founding fathers saw a big difference between public service and private conduct, and on the question of impeachment they warned Congress to do the same. They weren't giving Congress a right to decide who's President, they gave us Presidential elections for that.

These, then, are the words of author and historian Richard Rosenfeld on this morning, October 1st, 1998.

PASS TAXPAYER RELIEF ACT FOR NEW URBAN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in recent days, a lot of people have heard about the Republican tax plan that passed the House as part of a 90–10 plan, which sets aside 90 percent of the existing surplus to save Social Security and also sets aside 10 percent of the surplus to provide needed tax relief and tax reform.

People in the discussions on this tax plan have focused on some of the more prominent aspects of it. It provides marriage penalty relief that would benefit 40 percent of the couples in America; it provides full deductibility for health insurance; it provides a deduction for small savers, up to $200, that can be written off for individuals, or $400 for couples, in interest income; it expands access to prepaid tuition plans so that private colleges can set up prepaid tuition plans and allow people with a tax break to prepurchase tuition and bank it for the future, making college much more affordable; the plan allows small businesses an expensing provision, a greater ability to deduct equipment that they purchase; and also provides tax relief for farmers and ranchers.

In my view, as a member of the Committee on Ways and Means, these provisions will go a long way to relieving the tax burden on the middle class and small business owners of this country. However, we have not focused on another aspect of this legislation which will help thousands of people living in the most distressed communities in our Nation and give them hope.

With the 1996 welfare reform law, Republicans began encouraging and empowering individuals, yet we are told by leaders in some of our communities that we need to go further in revitalizing lower-income communities. These communities have been telling us that to truly succeed, it is vital that the government support market-based private economic growth in these areas that are economically depressed. And for that reason the chairman of the Committee on Ways and Means included in his mark a provision relating to the American Community Renewal Project.

The Taxpayer Relief Act would allow the designation of up to 20 renewal communities so that we can offer targeted, aggressive tax cuts and regulatory relief for those communities that need them the most. What we are trying to do is to green line depressed communities for investment, empower the poor, and, at the same time, not create new layers of bureaucracy.

Under this provision, the Secretary of Housing and Urban Development will be able to designate renewal communities, 20 percent of which must be in rural areas. These designations would be effective for 7 years. Areas that have been nominated would have to meet certain criteria to achieve these breaks. One is it would have to have an unemployment rate of at least 1½ times that of the national rate; it would have to have a poverty rate of at least 20 percent; and, in urban areas, at least 70 percent of the households in the area would have to have incomes below 80 percent of the median income households in the metropolitan statistical area.

In other words, these tax breaks are not tax cuts for the rich, but they are targeted for those who most need economic growth. Areas would also have to meet certain population criteria.

This may sound complicated, but it is done to ensure that the areas nominated are truly economically depressed urban areas where Federal dollars can truly make a difference.

When I look around my district, Mr. Speaker, I look at communities like we have in Farrell, Pennsylvania, which is clearly economically depressed, which is financially distressed as far as the municipal financial condition, it has a high poverty rate, but, at the same time, it has a good work ethic and a marvelous sense of community and neighborhood. With the assistance of these targeted breaks, a community like Farrell could definitely benefit, attract jobs, attract investment and empower people and allow them to form capital.

Once designated, these renewal areas are eligible for a variety of incentives, including a 100 percent exclusion from capital gains for certain qualified renewal community assets held more than 5 years; an additional, additional on top of what is already in the bill, $35,000 of expensing for small businesses; a work opportunity tax credit to offset the cost of hiring individuals, and a variety of other incentives. It also includes family development accounts for the working poor.

We need to pass this for a new urban policy.

PLIGHT FACING FARMERS ACROSS THE COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. POMEROY) is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, I want to address my colleagues this afternoon on an issue that is absolutely vital, not just vital to the State of North Dakota, that I represent, but vital to the rural dimension of this country of ours, and that is the plight facing farmers right across the country due to the collapse of commodity prices.

What has made the problem so particularly acute this year over preceding years is that, as prices have fallen, we have learned the failing of the last farm bill all too clearly. There is no longer a safety net when prices collapse, and the farmers are hitting the deck all across the country.

For years, farm policy in this country recognized that there were a couple of areas of risk that a family farmer could not individually deal with. One of the risks was the loss of production due to an act of God. A hail storm comes along and wipes out the field. It does not matter how good someone is at farming, that is a risk they cannot control.

The other type of risk was the risk of price collapse; depending upon the particular vagaries of the world market in a given period of time. An individual could be the best farmer in the county, but if prices plunged so that at the county elevator they are not even getting the cost of production, they are going to have trouble feeding their family in the winter ahead.

Well, we had a farm bill last time that represented the most significant change in agriculture policy in four decades. I voted against it. I voted against it because I believed it left farmers with bare exposure to these risks and was vitally unfair in that important respect. This afternoon I want us to focus in particular on the aspect of price protection, because this is the single largest peril facing family farmers this fall.

As many of us read about the growing financial difficulties in Asia, we did not really understand what that would mean to our economy. Well, let me tell my colleagues, the first aspect of our economy to get this square in the face was agriculture, because 45 percent of the agriculture exports in this country went to Asia. They quit buying our Ag

exports and prices have fallen dramatically. Exports to Asia are down 30 percent. Our major customers walked away from 30 percent of what they had previously bought from us. Imagine the impact on price.

This was made even worse by the fact that across the world production of farm commodities was quite strong. So we have way more supply than we used to have, and the result is a lot of supply, slack demand, and prices tanking.

Now, unlike preceding years, where we had the U.S. Department of Agriculture there to help farmers through these tough times, provide some cushion, we no longer have that safety net. We just have farmers taking it and taking it without any relief whatsoever.

Let me try to put this in some perspective. Two years ago, as this farm bill just came into effect, the price of wheat was $1.66 per bushel above what it is today. Average price at the county elevator this month in North Dakota is $2.70 a bushel. We used to provide price protection down to $4 a bushel. I am not suggesting going back to the old farm bill, but I am suggesting we have to have some protection for farmers when prices collapse. For a farmer to get $1.66 a bushel less is just catastrophic.

What are we thinking of doing about it in this particular Congress? We are putting together a disaster bill that will be wrapped into the Ag appropriations bill. We may be voting on it as early as tomorrow. But here is where it falls short. The relief it provides to farmers, in light of these collapsed prices, is nominal, insignificant, does not make them whole, will not keep them on the farms.

Let me give my colleagues the hard reality. $1.66 collapse in prices on wheat. The farm bill relief proposed by the Republican majority will help farmers to 13 cents a bushel. Their price plunge is $1.66 a bushel; we are going to help them up to 13 cents a bushel. That does not cover the cost of production. That does not cover the cost they have sunk into their crop. That is not going to get the job done for our farmers.

It is not just wheat that is in trouble. The relief for corn will be 7 cents a bushel. The relief for soybeans will be 2 cents a bushel. This is not help. We issue a press release: Big Ag relief package coming through Congress. It is almost worse than nothing because it falls so far short of what is required.

My colleagues, stand with me and help us build a relief package for our farmers that actually means something and will help them get through the winter.

FEDERAL GOVERNMENT CANNOT DO ANYTHING ECONOMICALLY OR EFFICIENTLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, the headline in Aviation Week magazine last week said, ''NASA plans $660 million station bailout for Russia.'' The subhead said, ''Payments would be part of $1.2 billion U.S. fix. Completion slips to 2005.''

It seems that our Federal Government cannot do anything in an economical or efficient manner.

□ 1800

The station I am speaking of is of course the Space Station, and the original full cost estimate in 1984 was $8 billion.

This is another old Washington trick. Drastically low-ball the estimate on the front end. However, no one should be fooled by this any more. It is now estimated that total costs of the Space Station will reach as high as $180 billion, more than 20 times the original cost estimates.

Now NASA wants six shuttle flights per year at a cost of $477 million per flight and no telling what else. But billions in cost overruns, years of additional delays, and now $660 million to bail out the Russians, it is all simply too much for a project that is draining huge amounts from other more worthwhile, cost-effective research.

Then, Mr. Speaker, the Federal Reserve has apparently just encouraged and presided over another bailout, one of the largest private bailouts. Due to pressure from regulators, several large banks and investment firms came up with $3.5 billion last week to bail out a hedge fund called Long-Term Capital. This is probably the worst case or best example of crony capitalism ever.

The partners of this firm include a former Federal Reserve vice chairman and others that Business Week referred to as a ''dream team.'' But this dream team used $100 billion in borrowed money and made one bad investment after another.

Paul Volcker, the former Federal Reserve chairman, said, ''Why should the weight of the Federal Government be brought to bear to help a private investor?'' The answer is that it should not.

James K. Glassman, the Washington Post columnist, wrote, ''But in America today, there's a double standard. A rule that applies to welfare mothers doesn't apply to politically connected corporations, rich speculators and irresponsible nations. Over and over, when powerful people and institutions get into trouble, the government bails them out.''

But, Mr. Speaker, the American people are getting sick and tired of all this. Billions and billions to Russia and other countries. Billions and billions on a very questionable Space Station. Billions and billions to try to stop civil wars in Haiti, Ruwanda, Somalia, Bosnia, and now I suppose Kosovo.

I remember reading three or four years ago on the front page of the Washington Post that we had our troops in Haiti settling domestic disputes and picking up garbage. And I remember a few months ago on this floor when another Member said in Bosnia we had our troops giving rabies shots to dogs.

Well, Mr. Speaker, the Haitians should settle their own domestic disputes and pick up their own garbage, and the Bosnians should give their own rabies shots; money taken from hard-working Americans to pour down one black hole after another.

Mr. Speaker, many people feel we may be on the verge of a recession or at least an economic downturn in this country. The stock market has gone down over 400 points in just the last two days. We would not be on nearly as shaky economic grounds if liberal big spenders had not caused us to be over $5.6 trillion in debt at just the Federal level, and then if we had instead followed other very conservative fiscal, monetary, taxing, and regulatory policies.

However, we are on shaky grounds, very thin ice economically, due to very liberal policies of all types, including bad trade deals that favored large multinational corporations at the expense of small and medium-sized American businesses and American workers.

Now we are losing 3 million jobs a year due to our balance of payments deficits, 3 million jobs to other countries. Our unemployment is not yet low, but our underemployment is terrible. We have been replacing good, high-paying manufacturing jobs with minimum wage employment and tourism and restaurants. Many college graduates cannot find employment in the fields in which they trained. We are ending up with the best educated waiters and waitresses in the world.

Mr. Speaker, we need trade and economic and foreign policies that put this country and its workers first once again. We need to put America first even if it is not politically correct or fashionable to say so.

Mr. Speaker, I include the following for the RECORD:

[From the Washington Post, September 29, 1998]

RECKLESS BAILOUTS

(By James K. Glassman)

The principle behind welfare reform was simple: If you pay people when they don't work, then they don't have an incentive to get a job. The 1996 law cut them off, and since then, millions have left the public dole.

Economists call the principle behind welfare reform ''moral hazard.'' When people are insured, or protected against the consequences of destructive actions, they are more likely to take those destructive actions. Thus, of able-bodied welfare mothers know they'll get monthly checks, they're less likely to work.

But in America today, there's a double standard. A rule that applied to welfare mothers doesn't apply to politically connected corporations, rich speculators and irresponsible nations. Over and over, when powerful people and institutions get into trouble, the government bails them out.

The latest example is a Greenwich, Conn., hedge fund called Long-Term Capital, Ltd. (LTC), which was founded by John Meriwether, a ''master of the universe'' at

Salomon Brothers, along with two Nobel Prize winners, a former Federal Reserve vice chairman and other partners whom Business Week called the ''dream team.''

Using as much as $100 billion in borrowed money, Long-Term Capital made some disastrously stupid investments and teetered last week on the brink of failure.

What should happen to a firm that makes terrible bets on esoteric markets? It should go bust, of course. Its partners and investors should suffer swift and onerous losses—at the very least as a signal to others to stay away from risky investments in the future.

Instead, Long-Term Capital is being rescued—not with government money (thank heaven for small favors) but through not-so-subtle pressure placed by government regulators on banks and investment firms to cough up $3.5 billion. It's a classic case of moral hazard run wild.

Paul Volcker, the former chairman of the Federal Reserve, was justifiably outraged: ''Why should the weight of the federal government be brought to bear to help a private investor?'' Good question.

The rescuers were brought together last week by the New York Fed at the same time that Alan Greenspan was hinting in Congress that the Fed would cut interest rates.

The Fed's ''official sponsorship'' (Volcker's term) of the rescue was the result, said a Fed spokesman, of its ''concerns about the good working of the marketplace, large risk exposure and the potential for a disruption of payments.'' In other words, the failure of Long-Term Capital posed a systemic risk; it could set off a cascade of other failures, leading to a sharp decline in bond and stock prices and perhaps bankruptcies.

I am skeptical the effects would be so dire. Yes, some bonds might plummet, but that hurts current owners of those bonds. Other investors could benefit by being able to buy at the lower prices. Why should the Fed prevent them?

The truth is that no one knows what would have happened in the short-term if LTC had been allowed to fail. In the longer term, the effects are only too obvious: The rescue will encourage more irresponsible risk-taking by investors, just as the International Monetary Fund's bail out of Mexico encouraged investors to make inappropriately risky investments in emerging markets in Asia, leading to more IMF bailouts and a new moral-hazard cycle.

Perhaps the Fed did dampen systemic risk in the LTC case, but as Caroline Baum of Bloomberg Business News reported Friday, ''Traders seem to be taking a different message away from the whole affair. They see an increase in moral hazard, with lenders making increasingly risky bets with the knowledge that someone will bail them out, as the doctrine of 'too big to fail' spread from financial institutions to corporations to countries to private investors.''

But we don't need to look to Mexico or Greenwich for examples to moral hazard run wild. Look to Capitol Hill, where a bill is now racing through Congress that would bail out companies that made imprudent bids for wireless telephone licenses.

The firms bid too high in a 1996 FCC auction. At the very least, it seems, they should lose the $1.3 billion they put up in down payments. But, instead, the House Commerce Committee on Thursday unanimously approved a deal that lets them renege on their bid obligations and get full refunds on what they've already paid the government.

Not only is that bailout grossly unfair, it will also encourage reckless behavior in future auctions. And, speaking of reckless behavior: There's a parallel to be drawn between moral hazard in the LTC, wireless and IMF cases and moral hazard in the current scandal involving President Clinton.

Americans worry, for instance, that impeaching and convicting Clinton could hurt the economy and our world standing. This is a legitimate concern—but I'm more afraid of moral hazard. If we let powerful people get away with doing bad things, they will not only do them again, but encourage others to follow their example.

CRISIS IN KOSOVO

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I want to address the House today. I want to call attention to a very, very serious crisis in the world and that is in the Province of Yugoslavia called Kosovo.

We read about it in the paper today on the front page, that there were several massacres, that bodies were found of innocent civilians, men, women and children, as the Serbian police forces and military units continue their campaign of genocide and ethnic cleansing against ethnic Albanians in Kosovo.

Kosovo is a place where over 92 percent of the population, 2 million people, are ethnic Albanians, and they are totally dominated and ruled by Belgrade, by the Serbs who comprise less than 10 percent of the population. These people for 10 years have had no freedoms, no political freedoms, no economic freedoms, no social freedoms. Unemployment is rampant, 80 percent, 90 percent. No hope. And on the ground, the situation gets worse and worse and worse.

We have to take a stand before we see Bosnia repeat itself. Bosnia is indeed repeating itself. That ended up with 200,000 innocent people slaughtered. Kosovo could be even worse.

Now, I have called and I will call again and say it again, we read in the paper today that NATO is considering air strikes in order to stop the Serbs from killing innocent civilians. We have been saying this time in and time out. Actions speak louder than words. Mr. Speaker, it is time for action. We need to have immediate NATO air strikes on Serbian positions in Kosovo so that the innocent civilians will not continued to be slaughtered.

We now have at least 300,000 homeless civilians, more than a tenth of the entire population, some people would say it is as much as a quarter of the entire population, driven from their homes, and the pattern is like this. First Serbian artillery shells the villages, causing innocent civilians to flee in panic, fleeing into the hills and into the mountains. Then the next thing they do after the civilians have left is they come in and loot the houses and they steal everything they can. And then finally they burn the houses down to the ground.

So we have a situation where refugees now cannot have a place to go back to. And we are facing, as winter is approaching, perhaps another week or two at the most, where we need to get in so that innocent civilians can have humanitarian aid. The Serbs are keeping out humanitarian relief workers to get food and lodging and clothing to these people. Will the West again wait until it is too late?

I have a letter signed by 18 of our colleagues on both sides of the aisle calling on the President to issue immediate air power with our NATO allies to stop the carnage; to indict Slobodon Milosevic, the leader of Yugoslavia, who is responsible for this, who because of Serbian nationalism has again, as he did in Bosnia, caused the death of innocent people.

The short-term problem, Mr. Speaker, is that we need to get aid to these people because what is going to start to happen is they are going to start to die because of the cold and because of starvation. And that is the immediate concern that the world should have.

Of long range concern is what to do in Kosovo, and I have said time and time again and will say it again, self-determination for the people of Kosovo is the only answer. Why should the Albanians in the former Yugoslavia be treated any different than any of the other peoples that were allowed to form their own nation? The Croats, the Bosnians, the Slovenians, the Macedonians and so on and so forth.

Self-determination is a basic principle in which we in America believe, and if it is good enough for all the other ethnic groups in the former Yugoslavia, it should be good enough for the Albanians as well, particularly since this is the group that was getting the worst end of the stick in Yugoslavia, and certainly now that we are seeing genocide and ethnic cleansing rear its ugly head on the continent of Europe.

The time for action is now. The only thing that Mr. Milosevic understands is the credible use of force. He will only stop as he did in Bosnia, when we had NATO air strikes and he knew that NATO and, more importantly, the United States meant business. If he thinks these threats are empty, and quite frankly they have been empty for months upon months upon months. We have said that we would threaten, we have threatened him, we have said that we would bring in NATO air power, we have done all kinds of flying, but he knows it does not mean a hill of beans. The only thing he will understand is if he knows the West is ready to take action.

Now, shamefully our allies in Germany and Italy are trying to say that the United Nations Security Council needs to approve before NATO could move forward. I did not know the United Nations had a veto on what NATO can do. I think the NATO alliance needs to take action and needs to take action now, from a humanitarian point of view. Also, the thing is that this can explode into a wider war and drag our NATO allies in if we do not act now. The time for military strikes is now.

THE PROBLEMS FACING MICHIGAN FARMERS AND RANCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I rise to address the assembly today on the subject of the problems facing Michigan farmers and ranchers. The conference report on the 1999 Agriculture Appropriations Act helps some of these farmers in facing what is a very, serious problem in this Nation.

What we are faced with is a transition of our farmers and ranchers into a new Federal market-oriented, freedom to farm, public policy. That means that subsidies in place for the last 65 years are being phased out.

The problem is, Mr. Speaker, that this year in particular farmers are facing a combination of disease, bad weather, a loss of our markets, especially in Asia, and extremely low commodity prices. Farmers are going out of business. Bankruptcies are being advertised throughout the United States as farmers have hit disastrous situations where they feel that they and their families and their kids can no longer survive on that particular farm operation. Often a farm operation that was run by their parents, their grandparents, their great-grandparents can no longer provide a living.

The 1999 appropriations bills deal with some of these problems but not all of the problems. As we phase out and demand that our farmers in this country go into a market-oriented system, other countries remain steadfast in being very protective to make sure that the farmers and ranchers in their countries can remain on the farm; that their country maintains the farming base in their country, the ability to grow food and fiber in that country so that they have assurance that their country will never have to be dependent on other countries for their food.

Our farmers and ranchers in this country not only are facing a smaller market, facing disease and bad weather and the resulting low commodity prices, but are facing an administration which is threatening to impose very restrictive regulations on our farmers that other farmers in other countries do not have to abide by or pay for.

For example if one looks at the Food Quality Protection Act an effort of this body, this Congress, to do away with the old Delaney clause, now we see regulations that are being developed by this administration that suggest that we should do away with herbicides and insecticides because they might have some compounded dangerous effect and be carcinogenic if individuals were to eat pounds or tons of these pesticides.

Now, here is the problem that this country faces: if we impose these kind of nonscientific global warming, air quality, water quality, herbicide, insecticide regulations on our farmers, and farmers in other countries do not have to abide with those same provisions, that means our farmers are paying huge increased costs. That means by limiting our farmers' ability to farm the same efficient manner as farmers in other nations are farming, it puts our farmers at a competitive disadvantage.

We have to be very, very careful, Mr. Speaker, that we do not force some of our farmers and ranchers out of business because of this mandated inefficiency. Our consumers in this country may have to be dependent on the fruits and vegetables and food products that would be imported from other countries. Right now we enjoy the lowest cost, highest quality food of anyplace in the world. That is because our farmers and ranchers are extremely efficient and our system of distribution is very good in terms of providing good services to the consumers.

While the rest of the economy is generally strong, Mr. Speaker, farmers in our country are facing one of the most difficult years in a long time. The disaster money that is provided in the 1999 appropriation bill will be available to agricultural producers regardless of the type of crop that they produce and is a modest effort to help. While this will not fully reimburse producers for the extreme losses that they are suffering this year, it will help. But in the long run we have to face up to the question of whether or not we are going to allow our farmers and our ranchers to go out of business. That would mean that our consumers are going to become more and more dependent on imported products. Mr. Speaker, if we want to protect this country's ability to produce high quality, low cost food, we can not force our farmers out of business.

□ 1815

FOCUSING ATTENTION ON THE FIGHT AGAINST TERRORISM

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, focusing public attention on the fight against terrorism is a continuing challenge. The threat of terrorism is an out-of-sight, out-of-mind type issue. When an incident occurs, such as a terrorist bombing or retaliatory action, interest and concern about terrorism quickly moves to the forefront. But usually after a few days or weeks, the terrorist threat tends to be forgotten by the media and the American public.

Mr. Speaker, no matter what the state of public attention, the war against terrorism is ongoing. The capture of those who were involved in the bombings in Kenya and Tanzania was brought about by outstanding CIA and FBI efforts. Just recently, the FBI aided the Ugandan authorities in preventing the bombing of our embassy in Uganda's capital in Kampala.

Here in Congress and across the country, we must be ever mindful of the terrorist threat. The threat is real and the threat will surface again. Federal agencies involved in the fight against terrorism must be supported and encouraged if we are to win this battle against terrorism. The Congress and the American people need to fully support this work as we look to the future.

CONFERENCE REPORT ON H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. KOLBE submitted the following conference report and statement on the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–760)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4104) ''making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $123,151,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $6,560,800: Provided further, That the Department is authorized to charge both direct and indirect costs to the Office of Foreign Assets Control in the implementation of this floor: Provided further, That the methodology for applying such charges will be the same method used in developing the Departmental Offices Fiscal Year 1999 President's Budget Justification to the Congress.

AUTOMATION ENHANCEMENT

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $28,690,000: Provided, That these funds shall remain available until September 30, 2000: Provided further, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems: Provided further, That $6,000,000 of the funds appropriated for the Customs Modernization project may not be transferred to the United States Customs Service or obligated until the Treasury's Chief Information Officer, through the Treasury Investment Review Board, concurs on the plan and milestone schedule for the deployment of the system: Provided further, That $6,000,000 of the funds made available for the Customs Modernization project may not be obligated for any major system investments prior to the development of an architecture which is compliant with the Treasury Information Systems Architecture Framework (TISAF) and the establishment of measures to enforce compliance with the architecture.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $30,678,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $27,000,000, to remain available until expended: Provided, That none of the funds provided shall be available for obligation until September 30, 1999.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $24,000,000: Provided, That funds appropriated in this account may be used to procure personal services contracts.

VIOLENT CRIME REDUCTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(1) As authorized by section 190001(e), $119,000,000; of which $3,000,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms for administering the Gang Resistance Education and Training program; of which $1,400,000 shall be available to the Financial Crimes Enforcement Network; of which $22,628,000 shall be available to the United States Secret Service, including $6,700,000 for vehicle replacement, $5,000,000 for investigations of counterfeiting, $7,732,000 for the 2000 candidate/nominee protection program, and $3,196,000 for forensic and related support of investigations of missing and exploited children, of which $1,196,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended; of which $65,472,000 shall be available for the United States Customs Service, including $54,000,000 for narcotics detection technology, $9,500,000 for the passenger processing initiative, $972,000 for construction of canopies for inspection of outbound vehicles along the Southwest border, and $1,000,000 for technology investments related to the Cyber-Smuggling Center; of which $2,500,000 shall be available to the Office of National Drug Control Policy, including $1,000,000 for Model State Drug Law Conferences, and $1,500,000 to expand the Milwaukee, Wisconsin High Intensity Drug Trafficking Area; and of which $24,000,000 shall be available for Interagency Crime and Drug Enforcement;

(2) As authorized by section 32401, $13,000,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: Provided, That notwithstanding sections 32401 and 310001, such funds shall be allocated to State and local law enforcement and prevention organizations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $71,923,000, of which up to $13,843,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2001: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $34,760,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary for the detection and investigation of individuals involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, $51,900,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $196,490,000, of which not to exceed $13,235,000 shall remain available until September 30, 2001, for information systems modernization initiatives.

FEDERAL FINANCING BANK

For liquidation of certain debts to the United States Treasury incurred by the Federal Financing Bank pursuant to section 9(b) of the Federal Financing Bank Act of 1973, $3,317,960,000.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $15,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $541,574,000, of which $2,206,000 shall not be available for obligation until September 30, 1999; of which $27,000,000 may be used for the Youth Crime Gun Interdiction Initiative; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol,

Tobacco and Firearms: Provided, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 1999: Provided further, That of the funds made available, $4,500,000 shall be made available for the expansion of the National Tracing Center: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $1,642,565,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, not to exceed $4,000,000 shall be available until expended for research, not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081, and up to $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That of the amount provided, an additional $2,400,000 shall be made available for staffing and resources for the child pornography cyber-smuggling initiative: Provided further, That $500,000 shall be available to fund the expansion of services at the Vermont World Trade Office: Provided further, That not to exceed $2,500,000 shall be available until expended for relocation of the Customs Air Branch from Belle Chase, Louisiana, to Hammond, Louisiana: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000: Provided further, That of the amount provided, $9,500,000 shall not be available for obligation until September 30, 1999.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $113,688,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 1999 without the prior approval of the Committees on Appropriations.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs ''Salaries and Expenses'' account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $176,500,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until September 30, 2001, for information systems modernization initiatives: Provided, That the sum appropriated herein from the General Fund for fiscal year 1999 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at $172,100,000, and in addition, $20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 102 of Public Law 101–380: Provided further, That notwithstanding any other provisions of law, effective upon enactment and thereafter, the Bureau of the Public Debt shall be fully and directly reimbursed by the funds described in section 104 of Public Law 101–136 (103 Stat. 789) for costs and services performed by the Bureau in the administration of such funds.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; programs to match information returns and tax returns; management services; rent and utilities; and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,086,208,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That of the amount provided, $105,000,000 shall remain available until expended for postage and shall not be obligated before September 30, 1999: Provided further, That, pursuant to 39 U.S.C. 3206(a), funds shall continue to be provided to the United States Postal Service for postage due: Provided further, That of the amount provided, $25,000,000 shall not be available for obligation until September 30, 1999.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,164,189,000.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $143,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,265,456,000, which shall remain available until September 30, 2000, and of which $103,000,000 shall be available only for improvements to customer service.

INFORMATION TECHNOLOGY INVESTMENTS

For necessary expenses of the Internal Revenue Service, $211,000,000, to remain available until September 30, 2002, for the capital asset acquisition of information technology systems, including management and related contractual costs of such acquisition, and including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds is available for obligation until September 30, 1999: Provided further, That none of these funds shall be obligated until the Internal Revenue Service and the Department of the Treasury submit to Congress for approval, a plan for expenditure that: (1) implements the Internal Revenue Service's Modernization Blueprint submitted to Congress on May 15, 1997; (2) meets the information systems investment guidelines established by the Office of Management and Budget and in the fiscal year 1998 budget; (3) is reviewed and approved by the Office of Management and Budget, the Department of the Treasury's IRS Management Board, and is reviewed by the General Accounting Office; (4) meets the requirements of the May 15, 1997 Internal Revenue Service's Systems Life Cycle program; and (5) is in compliance with acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to

any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide, as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 105. The Internal Revenue Service shall institute and enforce policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 106. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 107. Notwithstanding any other provision of law, no reorganization of the field office structure of the Internal Revenue Service Criminal Investigation Division will result in a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 739 vehicles for police-type use, of which 675 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $600,302,000: Provided, That $18,000,000 provided for protective travel shall remain available until September 30, 2000; Provided further, That of the amount provided, $5,000,000 shall not be available for obligation until September 30, 1999.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $8,068,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1999, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1999 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''the explosive in a fixed shotgun shell'' and inserting ''an explosive'';

(2) in paragraph (7), by striking ''the explosive in a fixed metallic cartridge'' and inserting ''an explosive''; and

(3) by striking paragraph (16) and inserting the following:

''(16) The term 'antique firearm' means—

''(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

''(B) any replica of any firearm described in subparagraph (A) if such replica—

''(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

''(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

''(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term 'antique firearm' shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.''.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with the vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. EXCEPTION TO IMMUNITY FROM ATTACHMENT OR EXECUTION. (a) Section 1610 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(f)(1)(A) Notwithstanding any other provision of law, including but not limited to section 208(f) of the Foreign Missions Act (22 U.S.C. 4308(f)), and except as provided in subparagraph (B), any property with respect to which financial transactions are prohibited or regulated pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1702), or any other proclamation, order, regulation, or license issued pursuant thereto, shall be subject to execution or attachment in aid of execution of any judgment relating to a claim for which a foreign state (including any agency or instrumentality or such state) claiming such property is not immune under section 1605(a)(7).

''(B) Subparagraph (A) shall not apply if, at the time the property is expropriated or seized by the foreign state, the property has been held in title by a natural person or, if held in trust, has been held for the benefit of a natural person or persons.

''(2)(A) At the request of any party in whose favor a judgment has been issued with respect to a claim for which the foreign state is not immune under section 1605(a)(7), the Secretary of the Treasury and the Secretary of State shall fully, promptly, and effectively assist any judgment creditor or any court that has issued any such judgment in identifying, locating, and executing against the property of that foreign state or any agency or instrumentality of such state.

''(B) In providing such assistance, the Secretaries—

''(i) may provide such information to the court under seal; and

''(ii) shall provide the information in a manner sufficient to allow the court to direct the United States Marshall's office to promptly and effectively execute against that property.''.

(b) CONFORMING AMENDMENT.—Section 1606 of title 28, United States Code, is amended by inserting after ''punitive damages'' the following: '', except any action under section 1605(a)(7) or 1610(f)''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

(d) WAIVER.—The President may waive the requirements of this section in the interest of national security.

This title may be cited as the ''Treasury Department Appropriations Act, 1999''.

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail,

pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $71,195,000, which shall remain available until September 30, 2000: Provided, That none of the funds provided shall be available for obligation until October 1, 1999: Provided further, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1999.

This title may be cited as the ''Postal Service Appropriations Act, 1999''.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $250,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $52,344,000: Provided, That $10,100,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $8,061,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114: Provided, That such amount shall not be available for expenses for domestic staff overtime.

In addition, for necessary expenses for domestic staff overtime, $630,000: Provided, That such amount shall not become available for obligation until the Comptroller General of the United States notifies the Committees on Appropriations that: (1) the Executive Office of the President has received, reviewed, and commented on the draft report of the General Accounting Office with respect to its audit of the Executive Residence at the White House; and (2) the General Accounting Office has received the comments of the Executive Office of the President.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,512,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $334,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,666,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,806,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $28,350,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget (OMB), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $60,617,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: Provided further, That the Director of OMB amends Section .36 of OMB Circular A–110 to require Federal awarding agencies to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act: Provided further, That if the agency obtaining the data does so solely at the request of a private party, the agency may authorize a reasonable user fee equaling the incremental cost of obtaining the data: Provided further, That OMB is directed to submit a report by March 31, 1999, to the Committees on Appropriations, the Senate Committee on Governmental Affairs, and the House Committee on Government Reform and Oversight that: (1) identifies specific paperwork reduction accomplishments expected, constituting annual five percent reductions in paperwork expected in fiscal year 1999 and fiscal year 2000; and (2) issues guidance on the requirements of 5 U.S.C. Sec. 801(a)(1) and (3); sections 804(3), and 808(2), including a standard new rule reporting form for use under section 801(a)(1)(A)–(B).

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and

representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $48,042,000, of which $30,100,000 shall remain available until expended, consisting of $1,100,000 for policy research and evaluation, and $16,000,000 for the Counterdrug Technology Assessment Center for counternarcotics research and development projects, and $13,000,000 for the continued operation of the technology transfer program: Provided, That the $16,000,000 for the Counterdrug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: Provided further, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $182,477,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of enactment of this Act: Provided, That funding shall be provided for existing High Intensity Drug Trafficking Areas at no less than the total fiscal year 1998 level consisting of funding from this account as well as the Violent Crime Reduction Trust Fund.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 100–690, as amended, $214,500,000, to remain available until expended: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the funds provided, $185,000,000 shall be to support a national media campaign to reduce and prevent drug use among young Americans: Provided further, That none of the funds provided for the support of a national media campaign may be obligated for the following purposes: to supplant current anti-drug community based coalitions; to supplant current pro bono public service time donated by national and local broadcasting networks; for partisan political purposes; or to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet-level officials, or other Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213, absent advance notice to the Committees on Appropriations and the Senate Judiciary Committee: Provided further, That (1) ONDCP will require a pro bono match commitment up-front as part of its media buy from each and every seller of ad time and space (2) ONDCP, or any agent acting on its behalf, may not obligate any funds for the creative development of advertisements from for-profit organizations, not including out-of-pocket production costs and talent re-use payments, unless (A) the advertisements are intended to reach a minority, ethnic or other special audience that cannot be obtained on a pro bono basis within the time frames required by ONDCP's advertising and buying agencies, and (B) ONDCP receives prior approval from the Committees on Appropriations (3) ONDCP will submit within three months of enactment of this Act an implementation plan to the Committees on Appropriations to secure corporate sponsorship equaling 40 percent of the appropriated amount in fiscal year 1999, the definition of which is a contribution that is not received as a result of leveraging funds to receive said sponsorship, corporate sponsorship equaling 60 percent of the appropriated amount in fiscal year 2000, corporate sponsorship equaling 80 percent of the appropriated amount in fiscal year 2001, corporate sponsorship equaling 100 percent of the appropriated amount in fiscal year 2002 (4) the funds provided for the support of a national media campaign may be used to fund the purchase of media time and space, talent re-use payments, out-of-pocket advertising production costs, testing and evaluation of advertising, evaluation of the effectiveness of the media campaign, the negotiated fees for the winning bidder on the request for proposal recently issued by ONDCP, partnership with community, civic, and professional groups, and government organizations related to the media campaign, entertainment industry collaborations to fashion anti-drug messages in movies, television programming, and popular music, interactive (Internet and new) media projects/activities, public information (News Media Outreach), and corporate sponsorship/participation (5) ONDCP shall not obligate funds provided for the national media campaign for fiscal year 1999 until ONDCP has submitted the evaluation and results of Phase I of the campaign to the Committees on Appropriations, and may obligate not more than 75 percent of these funds until ONDCP has submitted the evaluation and results of Phase II of the campaign to the Committees on Appropriations, and (6) ONDCP is required to report to the Committees on Appropriations not only quarterly, but also to provide monthly itemized reports of all expenditures and obligations relating to the media campaign as well as the specific parameters of the national media campaign, and shall report to Congress within one year on the effectiveness of the national media campaign based upon the measurable outcomes provided to Congress previously: Provided further, That of the funds provided, $4,500,000 shall be available for transfer to the Agricultural Research Service for anti-drug research and related matters: Provided further, That of the funds provided, $20,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: Provided further, That of the funds provided, $5,000,000 shall be available for the chronic users study.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, $1,000,000.

This title may be cited as the ''Executive Office Appropriations Act, 1999''.

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $2,464,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $36,500,000, of which no less than $4,402,500 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses: Provided, That of the amounts appropriated for salaries and expenses, $1,120,000 may not be obligated until the Federal Election Commission submits a plan for approval to the House Committee on Appropriations for the expenditure of such funds.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $22,586,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $450,018,000 to be deposited into the Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $5,605,018,000, of which: (1) $492,190,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New construction:

Arkansas:

Little Rock, U.S. courthouse, $3,436,000

California:

San Diego, U.S. courthouse, $15,400,000

San Jose, U.S. courthouse, $10,800,000

Colorado:

Denver, U.S. courthouse, $83,959,000

District of Columbia:

Southeast Federal Center remediation, $10,000,000

Florida:

Jacksonville, U.S. courthouse, $86,010,000

Orlando, U.S. courthouse, $1,930,000

Massachusetts:

Springfield, U.S. courthouse, $5,563,000

Michigan:

Sault Sainte Marie, border station, $572,000

Mississippi:
Biloxi-Gulfport, U.S. courthouse, $7,543,000
Missouri:
Cape Girardeau, U.S. courthouse, $2,196,000
Montana:
Babb, Piegan border station, $6,165,000
New York:
Brooklyn, U.S. courthouse, $152,626,000
New York, U.S. Mission to the United Nations, $3,163,000
Oregon:
Eugene, U.S. courthouse, $7,190,000
Tennessee:
Greenville, U.S. courthouse, $28,229,000
Texas:
Laredo, U.S. courthouse, $28,105,000
West Virginia:
Wheeling, U.S. courthouse, $29,303,000
Nationwide:
Non-prospectus, $10,000,000:

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That notwithstanding any other provision of law in order to rescind a General Services Administration property sale, the General Services Administration is authorized to re-acquire that parcel of land on Block 111, East Denver, Denver, Colorado, which was sold at public auction by the Federal government to its present owner pursuant to paragraphs (6) and (7) of section 12 of Public Law 94–204 (43 U.S.C. 1611 note) at a price equivalent to the 1988 auction sale price plus the amount of cumulative consumer price index, pursuant to the methodology as used in Public Law 104–42, Sec. 107(a), from the closing date of the sale until the date of re-acquisition by the Federal government, offset by any net income received from the property by the present owner since the 1988 sale: Provided further, That the funds provided in Public Law 102–393 for Hilo, Hawaii, shall be expended for the planning and design of the Mauna Kea Astronomy Educational Center, notwithstanding Public Law 103–123, and of the funds provided not more than $475,000 is to be disbursed in this fiscal year: Provided further, That all funds for direct construction projects shall expire on September 30, 2000, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That of the funds provided for non-prospectus construction projects, $2,100,000 shall be available until expended for acquisition, lease, construction, and equipping of flexiplace telecommuting centers: Provided further, That from the funds made available under this heading in this or prior Acts of Congress, the Administrator of General Services may purchase at a price he determines appropriate, notwithstanding any other provision of law, property adjacent to the new courthouse currently under construction in Scranton, Pennsylvania; and (2) $668,031,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services: Provided further, That of the amount provided, $161,500,000 shall not be available for obligation until September 30, 1999: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and alterations:
California:
San Francisco, Appraisers Building, $29,778,000
Colorado:
Lakewood, Denver Federal Center, Building 25, $29,351,000
District of Columbia:
Federal Office Building, 10B, $13,844,000
Interstate Commerce Commission, Connecting Wing Complex, Customs Building, Phase 3/3, $83,959,000
Old Executive Office Building, $25,210,000
Department of State, Phase 1, $29,779,000
New York:
Brookhaven, Internal Revenue Service, Service Center, $20,019,000
New York, U.S. Courthouse, 40 Foley Square, $4,782,000
Pennsylvania:
Philadelphia, Byrne-Green, Federal Building-U.S. Courthouse, $11,212,000
Virginia:
Reston, J.W. Powell Building, $9,151,000
Nationwide:
Chlorofluorocarbons Program, $25,000,000
Energy Program, $25,000,000
Design Program, $16,710,000
Basic Repairs and Alteration, $344,236,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2000, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That of the amount provided, $100,000 shall be used to address the lighting issues at the Byrne-Green Federal Courthouse in Philadelphia, Pennsylvania: Provided further, That of the amount provided in this or any prior Act for Basic Repairs and Alterations, $1,600,000 shall be provided to complete the alterations required at the Milwaukee, Wisconsin Courthouse: Provided further, That of the amount provided in this or any prior Act for Basic Repairs and Alterations, $1,100,000 may be used to provide a new fence surrounding the Suitland Federal Complex in Suitland, Maryland: Provided further, That $5,700,000 of the funds provided under this heading in Public Law 103–329 for the Holtsville, New York, IRS Service Center shall remain available until September 30, 1999: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $215,764,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,583,261,000 for rental of space which shall remain available until expended: Provided further, That of the amount provided, $15,000,000 shall not be available for obligation until September 30, 1999; and (5) $1,554,772,000 for building operations which shall remain available until expended: Provided further, That of the amount provided $68,000,000 shall not be available for obligation until September 30, 1999: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That for the purposes of this authorization, and hereafter, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That the remaining balances and associated assets and liabilities of the Pennsylvania Avenue Activities account are hereby transferred to the Federal Buildings Fund to be effective October 1, 1998, and that all income earned after that effective date that would otherwise have been deposited to the Pennsylvania Avenue Activities account shall thereafter be deposited to the Federal Buildings Fund, to be available for the purposes authorized by Public Laws 104–134 and 104–208, notwithstanding subsection 210(f)(2) of the Federal Property and Administrative Services Act, as amended: Provided further, That of the amount provided, $475,000 shall be made available for the 1999 Women's World Cup Soccer event: Provided further, That of the amount provided, $600,000 shall be made available for the 1999 World Alpine Ski Championships: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 1999, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,605,018,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses, $109,594,000: Provided, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include

street-level retail use, has been approved by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: Provided further, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: Provided further, That $100,000 is provided to the property disposal activity for the Racine, Wisconsin, property transfer identified in General Services Administration General Provision section 409.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $32,000,000: Provided, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,241,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1999 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2000 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2000 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading ''Federal Buildings Fund Limitations on Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. From the funds made available under the heading ''Federal Buildings Fund Limitations on Revenue'', in addition to amounts provided in budget activities above, up to $5,000,000 shall be available for the demolition, cleanup and conveyance of the property at block 35 and lot 2 of block 36 in Anchorage, Alaska: Provided, That notwithstanding any other provision of law, the Administrator of General Services shall, not later than 18 months after the date of enactment of this Act, demolish and remove all buildings, structures and other fixtures on the property at block 35 and lot 2 of block 36, Anchorage Original Townsite East Addition, Anchorage, Alaska, excluding any portion dedicated for use by the Centers for Disease Control and Prevention: Provided further, That the remediation of said parcel shall include the removal of all asbestos, lead and any other contamination, and restoration of the property, to the extent practicable, to an undeveloped condition: Provided further, That upon completion of the activities required for the demolition and removal of buildings, and notwithstanding any other provision of law, the Administrator of General Services shall convey to the municipality of Anchorage, without reimbursement, all right, title, and interest of the United States to the property.

SEC. 409. The Administrator of General Services may convey to the City of Racine, Wisconsin, all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located on 2310 Center Street, commencing at the intersection of the North line of 24th Street and the center line of Center Street, being the point of the beginning; thence Northerly along the center line of Center Street, 426 feet to the South line of 23rd Street extended East; thence Westerly along the South line of 23rd street extended East; 325 feet to the West line of Franklin Street extended South; thence southerly along the West line of Franklin Street extended South to a point on the North line of 24th Street; thence Easterly along the North line of 24th Street to the point of beginning located in Racine, Wisconsin, and which contains the U.S. Army Reserve Center.

SEC. 410. DEPARTMENT OF TRANSPORTATION HEADQUARTERS. (a) IN GENERAL.—The Administrator of General Services shall—

(1) enter into an operating lease to acquire space for the Department of Transportation headquarters; and

(2) commence procurement of the lease not later than November 1, 1998:

Provided, That the annual rent payment does not exceed $55,000,000.

(b) TERMS.—The authority granted in subsection (a) is effective only to the extent that the lease acquisition meets the guidelines for operating leases set forth in the joint statement of the managers for the conference report to the Balanced Budget Agreement of 1997, as determined by the Director of the Office of Management and Budget.

SEC. 411. Notwithstanding any other provision of law, the requirement under section 407 of Public Law 104–208 (110 Stat. 3009–337–38), that the Administrator of General Services charge user fees for flexiplace telecommuting centers that approximate commercial charges for comparable space and services but in no instance less than the amount necessary to pay the cost of establishing and operating such centers, shall not apply to the user fees charged for the period beginning October 1, 1996, and ending September 30, 1998, for the telecommuting centers established as part of a pilot telecommuting demonstration program in the Washington, D.C. metropolitan area by Public Laws 102–393, 103–123, 103–329, 104–52, and 104–208: Provided, That for these centers in the pilot demonstration program for the period beginning October 1, 1998, and ending September 30, 2000, the Administrator shall charge fees for Federal agency use of a telecenter based on 50 percent of the Administrator's annual costs of operating the center, including the reasonable cost of replacement for furniture, fixtures, and equipment: Provided further, That effective October 1, 2000, the Administrator shall charge fees for Federal agency use of the demonstration telecommuting centers based on 100 percent of the annual operating costs, including the reasonable cost of replacement for furniture, fixtures, and equipment: Provided further, That, to the extent such user charges do not cover the Administrator's costs in operating these centers, appropriations to the General Services Administration are authorized to reimburse the Federal Buildings Fund for any loss of revenue.

SEC. 412. (a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall convey to the University of Miami, by negotiated sale or by negotiated land exchange and by not later than September 30, 1999, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) PROPERTY DESCRIBED.—The property referred to in paragraph (1) is real property in Miami-Dade County, Florida, including improvements thereon, comprising the Federal facility known as the United States Naval Observatory/Alternate Time Service Laboratory, consisting of approximately 76 acres. The exact acreage and legal description of the property shall be determined by a survey that is satisfactory to the Administrator.

(b) CONDITION REGARDING USE.—Any conveyance under subsection (a) shall be subject to the condition that during the 10-year period beginning on the date of the conveyance, the University shall use the property, or provide for use of the property, only for—

(1) a research, education, and training facility complementary to longstanding national research missions, subject to such incidental exceptions as may be approved by the Administrator;

(2) research-related purposes other than the use specified in paragraph (1), under an agreement entered into by the Administrator and the University; or

(3) a combination of uses described in paragraph (1) and paragraph (2), respectively.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(d) REVERSION.—If the Administrator determines at any time that the property conveyed under subsection (a) is not being used in accordance with this section, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

SEC. 413. The Administrator of General Services is directed to reincorporate the elements of the original proposed design for the façade of the United States Courthouse, London, Kentucky, project into the revised design of the

building in order to ensure compatibility of this new facility with the historic U.S. Courthouse in London, Kentucky, to maintain the stateliness of the building. Construction or design of the London, Kentucky, project should not be diminished in anyway to achieve this goal.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1997, $4,250,000, to remain available until expended, of which $3,000,000 will be for capitalization of the Fund, and $1,250,000 will be for annual operating expenses.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $25,805,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $224,614,000: Provided, That of the amount provided, $7,861,000 shall not be available for obligation until September 30, 1999: Provided further, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $11,325,000, to remain available until expended, of which $2,000,000 is for an architectural and engineering study for the renovation of the Archives I facility, of which $4,000,000 is for encasement of the Charters of Freedom, and of which $875,000 is for a requirements study and design of the National Archives Anchorage, Alaska, facility.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $10,000,000, to remain available until expended: Provided, That of the amount provided, $4,000,000 shall not be available for obligation until September 30, 1999.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $8,492,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $85,350,000; and in addition $91,236,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: Provided further, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 through 1320a–7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 1999, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $9,145,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $8,720,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $32,765,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the ''Independent Agencies Appropriations Act, 1999''.

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 1999 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the

Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1999 from appropriations made available for salaries and expenses for fiscal year 1999 in this Act, shall remain available through September 30, 2000, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. Funds provided in this Act may be used to initiate or continue projects or activities to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) computer conversion until such time as supplemental appropriations are made available for that purpose: Provided, That the program, project, or activity from which funds are obligated for Y2K conversion activities shall be reimbursed when such supplemental appropriations are made available.

SEC. 514. (a) APPOINTMENT AND TERM OF SERVICE OF STAFF DIRECTOR AND GENERAL COUNSEL OF FEDERAL ELECTION COMMISSION.—

(1) IN GENERAL.—The first sentence of section 306(f)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)(1)) is amended by striking ''by the Commission'' and inserting the following: ''by an affirmative vote of not less than 4 members of the Commission and may not serve for a term of more than 4 consecutive years without reappointment in accordance with this paragraph''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any individual serving as the staff director or general counsel of the Federal Election Commission on or after January 1, 1999, without regard to whether or not the individual served as staff director or general counsel prior to such date.

(b) TREATMENT OF INDIVIDUALS FILLING VACANCIES; TERMINATION OF AUTHORITY UPON EXPIRATION OF TERM.—Section 306(f)(1) of such Act (2 U.S.C. 437c(f)(1)) is amended by inserting after the first sentence the following new sentences: ''An individual appointed as a staff director or general counsel to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the individual he or she succeeds. An individual serving as staff director or general counsel may not serve in such position after the expiration of the individual's term unless reappointed in accordance with this paragraph.''.

(c) RULE OF CONSTRUCTION REGARDING AUTHORITY OF ACTING GENERAL COUNSEL.—Section 306(f) of such Act (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

''(5) Nothing in this Act may be construed to prohibit any individual serving as an acting general counsel of the Commission from performing any functions of the general counsel of the Commission.''.

SEC. 515. Hereafter, any payment of attorneys fees, costs, and sanctions required to be made by the Federal Government pursuant to the order of the district court in the case Association of American Physicians and Surgeons, Inc. v. Clinton, 989 F. Supp. 8 (1997), or any appeal of such case, shall be derived by transfer from amounts made available in this or any other Act for any fiscal year for ''Compensation of the President and the White House Office—Salaries and Expenses''.

SEC. 516. Notwithstanding Section 515 of Public Law 104–208, fifty percent of the unobligated balances available to the White House Office, Salaries and Expenses appropriations in fiscal year 1997, shall remain available through September 30, 1999, for the purposes of satisfying the conditions of Section 515 of this Act.

SEC. 517. The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992, as amended (20 U.S.C. 5601 et seq.), is amended as follows:

(a) in section 11, by—

(1) deleting the heading and inserting ''Use of the Institute by a Federal Agency or Other Entity.''; and

(2) adding the following new subsection at the end:

''(e) NON-FEDERAL ENTITIES.—

''(1) Non-Federal entities, including state and local governments, Native American tribal governments, nongovernmental organizations and persons, as defined in 1 U.S.C. 1, may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a dispute or conflict involving the Federal government related to the environment, public lands, or natural resources.

''(2) PAYMENT INTO THE ENVIRONMENTAL DISPUTE RESOLUTION FUND.—Entities utilizing services pursuant to this subsection shall reimburse the Institute for the costs of services provided. Such amounts shall be deposited into the Environmental Dispute Resolution Fund established under section 10.''; and

(b) in section 12, by:

(1) deleting ''IN GENERAL—'' and inserting ''(a) IN GENERAL—''; and

(2) adding the following new subsection:

''(b) THE INSTITUTE.—The authorities set forth above shall, with the exception of paragraph (4), apply to the Institute established pursuant to section 10.''; and

(c) in section 10(b), by adding before the period as follows: '', including not to exceed $1,000 annually for official reception and representation expenses''.

SEC. 518. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department, or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may, in fiscal year 1999 and thereafter, reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of such services: Provided, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be

used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 612. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 614. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 1999, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 614 of the Treasury and General Government Appropriations Act, 1998, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1999, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 614; and

(2) during the period consisting of the remainder of fiscal year 1999, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1999 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1999 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1998 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1998, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1998, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1998.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 615. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 616. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 617. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1999 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 618. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States

Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 619. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 620. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 621. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems.

SEC. 622. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that noncompliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

SEC. 623. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 624. Notwithstanding any other provision of law, no part of any funds provided by this Act or any other Act beginning in fiscal year 1999 and thereafter shall be available for paying Sunday premium pay to any employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 625. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 626. Section 626(b) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in section 101(f) of Public Law 104–208 (110 Stat. 3009–360), the Omnibus Consolidated Appropriations Act, 1997, is amended to read as follows: ''(b) Until September 30, 1999, or until the end of the current FTS 2000 contracts, whichever is earlier, subsection (a) shall continue to apply to the use of the funds appropriated by this or any other Act.''.

SEC. 627. (a) DEFINITIONS.—In this section—

(1) the term ''crime of violence'' has the meaning given that term in section 16 of title 18, United States Code; and

(2) the term ''law enforcement officer'' means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and any special agent in the Diplomatic Security Service of the Department of State.

(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes reasonable action, including the use of force, to—

(1) protect an individual in the presence of the officer from a crime of violence;

(2) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(3) prevent the escape of any individual who the officer reasonably believes to have committed in the presence of the officer a crime of violence.

SEC. 628. FEDERAL FIREFIGHTERS OVERTIME PAY REFORM ACT OF 1998. (a) IN GENERAL.—Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542 by adding at the end the following new subsection:

''(f) In applying subsection (a) of this section with respect to a firefighter who is subject to section 5545b—

''(1) such subsection shall be deemed to apply to hours of work officially ordered or approved in excess of 106 hours in a biweekly pay period, or, if the agency establishes a weekly basis for overtime pay computation, in excess of 53 hours in an administrative workweek; and

''(2) the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay under section 5545b (b)(1)(A) or (c)(1)(B), as applicable, and such overtime hourly rate of pay may not be less than such hourly rate of basic pay in applying the limitation on the overtime rate provided in paragraph (2) of such subsection (a).''; and

(2) by inserting after section 5545a the following new section:

''§ 5545b. Pay for firefighters

''(a) This section applies to an employee whose position is classified in the firefighter occupation in conformance with the GS–081 standard published by the Office of Personnel Management, and whose normal work schedule, as in effect throughout the year, consists of regular tours of duty which average at least 106 hours per biweekly pay period.

''(b)(1) If the regular tour of duty of a firefighter subject to this section generally consists of 24-hour shifts, rather than a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

''(A) paragraph (1) of such section shall be deemed to require that the annual rate be divided by 2756 to derive the hourly rate; and

''(B) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on the hourly rate under subparagraph (A);

''(2) For the purpose of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(A)) for all hours in such firefighter's regular tour of duty (including overtime hours).

''(c)(1) If the regular tour of duty of a firefighter subject to this section includes a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

''(A) the provisions of such section shall apply to the hours within the basic 40-hour workweek;

''(B) for hours outside the basic 40-hour workweek, such section shall be deemed to require that the hourly rate be derived by dividing the annual rate by 2756; and

''(C) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on subparagraphs (A) and (B), as each applies to the hours involved.

''(2) For purposes of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include—

''(A) an amount computed under paragraph (1)(A) for the hours within the basic 40-hour workweek; and

''(B) an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(B)) for all hours outside the basic 40-hour workweek that are within such firefighter's regular tour of duty (including overtime hours).

''(d)(1) A firefighter who is subject to this section shall receive overtime pay in accordance with section 5542, but shall not receive premium pay provided by other provisions of this subchapter.

''(2) For the purpose of applying section 7(k) of the Fair Labor Standards Act of 1938 to a firefighter who is subject to this section, no violation referred to in such section 7(k) shall be deemed to have occurred if the requirements of section 5542(a) are met, applying section 5542(a) as provided in subsection (f) of that section: Provided, That the overtime hourly rate of pay for such firefighter shall in all cases be an amount equal to one and one-half times the firefighter's hourly rate of basic pay under subsection (b)(1)(A) or (c)(1)(B) of this section, as applicable.

''(3) The Office of Personnel Management may prescribe regulations, with respect to firefighters subject to this section, that would permit an agency to reduce or eliminate the variation in the amount of firefighters' biweekly pay caused by work scheduling cycles that result in varying hours in the regular tours of duty from pay period to pay period. Under such regulations, the pay that a firefighter would otherwise receive for regular tours of duty over the work scheduling cycle shall, to the extent practicable, remain unaffected.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545a the following:

''5545b. Pay for firefighters.''.

(c) TRAINING.—Section 4109 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of duty while attending agency sanctioned training.''.

(d) INCLUSION IN BASIC PAY FOR FEDERAL RETIREMENT.—Section 8331(3) of title 5, United States Code, is amended—

(1) by striking ''and'' after subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting the following:

''(E) with respect to a criminal investigator, availability pay under section 5545a of this title;

''(F) pay as provided in section 5545b (b)(2) and (c)(2); and ''; and

(4) by striking ''subparagraphs (B), (C), (D), and (E)'' and inserting ''subparagraphs (B) through (G)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after October 1, 1998.

(f) REGULATIONS.—Under regulations prescribed by the Office of Personnel Management, a firefighter subject to section 5545b of title 5, United States Code, as added by this section, whose regular tours of duty average 60 hours or less per workweek and do not include a basic 40-hour workweek, shall, upon implementation of this section, be granted an increase in basic pay equal to 2 step-increases of the applicable General Schedule grade, and such increase shall not be an equivalent increase in pay. If such increase results in a change to a longer waiting period for the firefighter's next step increase, the firefighter shall be credited with an additional year of service for the purpose of such waiting period. If such increase results in a rate of basic pay which is above the maximum rate of the applicable grade, such resulting pay rate shall be treated as a retained rate of basic pay in accordance with section 5363 of title 5, United States Code.

(g) NO REDUCTION IN REGULAR PAY.—Under regulations prescribed by the Office of Personnel Management, the regular pay (over the established work scheduling cycle) of a firefighter subject to section 5545b of title 5, United States Code, as added by this section, shall not be reduced as a result of the implementation of this section.

SEC. 629. (1) Not later than 180 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy, the Secretary of the Treasury, and the Attorney General shall conduct a joint review of Federal efforts and submit to the appropriate congressional committees, including the Committees on Appropriations, a plan to improve coordination among the Federal agencies with responsibility to protect the borders against drug trafficking. The review shall also include consideration of Federal agencies' coordination with State and local law enforcement agencies. The plan shall include an assessment and action plan, including the activities of the following departments and agencies:

(A) Department of the Treasury;

(B) Department of Justice;

(C) United States Coast Guard;

(D) Department of Defense;

(E) Department of Transportation;

(F) Department of State; and

(G) Department of Interior.

(2) The purpose of the plan under paragraph (1) is to maximize the effectiveness of the border control efforts in achieving the objectives of the national drug control strategy in a manner that is also consistent with the goal of facilitating trade. In order to maximize the effectiveness, the plan shall:

(A) specify the methods used to enhance cooperation, planning and accountability among the Federal, State, and local agencies with responsibilities along the Southwest border;

(B) specify mechanisms to ensure cooperation among the agencies, including State and local agencies, with responsibilities along the Southwest border;

(C) identify new technologies that will be used in protecting the borders including conclusions regarding appropriate deployment of technology;

(D) identify new initiatives for infrastructure improvements;

(E) recommend reinforcements in terms of resources, technology and personnel necessary to ensure capacity to maintain appropriate inspections;

(F) integrate findings of the White House Intelligence Architecture Review into the plan; and

(G) make recommendations for strengthening the HIDTA program along the Southwest border.

SEC. 630. (a) FLEXIPLACE WORK TELECOMMUTING PROGRAMS.—For fiscal year 1999 and each fiscal year thereafter, of the funds made available to each Executive agency for salaries and expenses, at a minimum $50,000 shall be available only for the necessary expenses of the Executive agency to carry out a flexiplace work telecommuting program.

(b) DEFINITIONS.—For purposes of this section:

(1) EXECUTIVE AGENCY.—The term ''Executive agency'' means the following list of departments and agencies: Department of State, Treasury, Defense, Justice, Interior, Labor, Health and Human Services, Agriculture, Commerce, Housing and Urban Development, Transportation, Energy, Education, Veterans' Affairs, General Services Administration, Office of Personnel Management, Small Business Administration, Social Security Administration, Environmental Protection Agency, U.S. Postal Service.

(2) FLEXIPLACE WORK TELECOMMUTING PROGRAM.—The term ''flexiplace work telecommuting program'' means a program under which employees of an Executive agency are permitted to perform all or a portion of their duties at a flexiplace work telecommuting center established under section 210(l) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(l)) or other Federal law.

SEC. 631. (a) MERITORIOUS EXECUTIVE.—Section 4507(e)(1) of title 5, United States Code, is amended by striking ''$10,000'' and inserting ''an amount equal to 20 percent of annual basic pay''.

(b) DISTINGUISHED EXECUTIVE.—Section 4507(e)(2) of title 5, United States Code, is amended by striking ''$20,000'' and inserting ''an amount equal to 35 percent of annual basic pay''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, or the date of enactment of this Act, whichever is later.

SEC. 632. (a) CAREER SES PERFORMANCE AWARDS.—Section 5384(b)(3) of title 5, United States Code, is amended—

(1) by striking ''3 percent'' and inserting ''10 percent''; and

(2) by striking ''15 percent'' and inserting ''20 percent''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, or the date of enactment of this Act, whichever is later.

SEC. 633. (a) INTERNATIONAL POSTAL ARRANGEMENTS.—Section 407 of title 39, United States Code, is amended to read as follows:

''§ 407. International Postal Arrangements.

''(a)(1) The Secretary of State shall have primary responsibility for formulation, coordination and oversight of policy with respect to United States participation in the Universal Postal Union, including the Universal Postal Convention and other Acts of the Universal Postal Union, amendments thereto, and all postal treaties and conventions concluded within the framework of the Convention and such Acts.

''(2) Subject to subsection (d), the Secretary may, with the consent of the President, negotiate and conclude treaties, conventions and amendments referred to in paragraph (1).

''(b)(1) Subject to subsections (a), (c), and (d), the Postal Service may, with the consent of the President, negotiate and conclude postal treaties and conventions.

''(2) The Postal Service may, with the consent of the President, establish rates of postage or other charges on mail matter conveyed between the United States and other countries.

''(3) The Postal Service shall transmit a copy of each postal treaty or convention concluded with other governments under the authority of this subsection to the Secretary of State, who shall furnish a copy to the Public Printer for publication.

''(c) The Postal Service shall not conclude any treaty or convention under the authority of this section or any other arrangement related to the delivery of international postal services that is inconsistent with any policy developed pursuant to subsection (a).

''(d) In carrying out their responsibilities under this section, the Secretary and the Postal Service shall consult with such federal agencies as the Secretary or the Postal Service considers appropriate, private providers of international postal services, users of international postal services, the general public, and such other persons as the Secretary or the Postal Service considers appropriate.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any treaty, convention or amendment entered into under the authority of section 407 of title 39 of the United States Code, as amended by this section, should not grant any undue or unreasonable preference to the Postal Service, a private provider of postal services, or any other person.

(c) TRADE-IN-SERVICE PROGRAMS.—The second sentence of paragraph (5) of section 306(a) of the Trade and Tariff Act of 1984 (19 U.S.C. 2114b(5)) is amended by inserting ''postal and delivery services,'' after ''transportation.''.

(d) TRANSFER OF FUNDS.—In fiscal year 1999 and each fiscal year hereafter, the Postal Service shall allocate to the Department of State from any funds available to the Postal Service such sums as may be reasonable, documented and auditable for the Department of State to carry out the activities of Section 407 of title 39 of the United States Code.

SEC. 634. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 635. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 636. No funds appropriated in this or any other Act for fiscal year 1999 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 637. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 638. (a) IN GENERAL.—For calendar year 2000, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 639. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when it is made known to the Federal official having authority to obligate or expend such funds that the employee has authorized such disclosure or that such disclosure has been ordered by a court of competent jurisdiction.

SEC. 640. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 641. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 642. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 643. The Director of the United States Marshals Service is directed to conduct a quarterly threat assessment on the Director of the Office of National Drug Control Policy.

SEC. 644. Section 636(c) of Public Law 104–208 is amended as follows:

(1) In subparagraph (1) by inserting after ''United States Code'' the following: ''any agency or court in the Judicial Branch,'';

(2) In subparagraph (2) by amending ''prosecution, or detention'' to read: ''prosecution, detention, or supervision''; and

(3) In subparagraph (3) by inserting after ''title 5,'' the following: ''and, with regard to the Judicial Branch, mean a justice or judge of the United States as defined in 28 U.S.C. 451 in regular active service or retired from regular active service, other judicial officers as authorized by the Judicial Conference of the United States, and supervisors and managers within the Judicial Branch as authorized by the Judicial Conference of the United States,''.

SEC. 645. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 646. Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to, upon submission of proper documentation (as determined by the Secretary), reimburse importers of large capacity military magazine rifles as defined in the Treasury Department's April 6, 1998 ''Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles'', for which authority had been granted to import such firearms into the United States on or before November 14, 1997, and released under bond to the importer by the U.S. Customs Service on or before February 10, 1998: Provided, That the importer abandons title to the firearms to the United States: Provided further, That reimbursements are submitted to the Secretary for his approval within 120 days of enactment of this provision. In no event shall reimbursements under this provision exceed the importers cost for the weapons, plus any shipping, transportation, duty, and storage costs related to the importation of such weapons. Money made available for expenditure under 31 U.S.C. section 1304(a) in an amount not to exceed $1,000,000 shall be available for reimbursements under this provision: Provided, That accepting the compensation provided under this provision is final and conclusive and constitutes a complete release of any and all claims, demands, rights, and causes of action whatsoever against the United States, its agencies, officers, or employees arising from the denial by the Department of the Treasury of the entry of such firearms into the United States. Such compensation is not otherwise required by law and is not intended to create or recognize any legally enforceable right to any person.

SEC. 647. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1999 under section 5303 and 5304 of title 5, United States Code, shall be an increase of 3.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 1999.

SEC. 648. INTERNATIONAL MAIL REPORTING REQUIREMENT. (a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by adding after section 3662 the following:

''§3663. Annual report on international services

''(a) Not later than July 1 of each year, the Postal Rate Commission shall transmit to each House of Congress a comprehensive report of the costs, revenues, and volumes accrued by the Postal Service in connection with mail matter conveyed between the United States and other countries for the previous fiscal year.

''(b) Not later than March 15 of each year, the Postal Service shall provide to the Postal Rate Commission such data as the Commission may require to prepare the report required under subsection (a) of this section. Data shall be provided in sufficient detail to enable the Commission to analyze the costs, revenues, and volumes for each international mail product or service, under the methods determined appropriate by the Commission for the analysis of rates for domestic mail.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 39, United States Code, is amended by adding after the item relating to section 3662 the following:

''3663. Annual report on international services.''.

SEC. 649. EXTENSION OF SUNSET PROVISION. Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended by striking ''(2)'' and all that follows through ''10 years'' and inserting the following:

''(2) SUNSET.—Effective 15 years''.

SEC. 650. IMPORTATION OF CERTAIN GRAINS. (a) FINDINGS.—The Congress finds that—

(1) importation of grains into the United States at less than the cost to produce those grains is causing injury to the United States producers of those grains;

(2) importation of grains into the United States at less than the fair value of those grains is causing injury to the United States producers of those grains;

(3) the Canadian Government and the Canadian Wheat Board have refused to disclose pricing and cost information necessary to determine whether grains are being exported to the United States at prices in violation of United States trade laws or agreements.

(b) REQUIREMENTS.—

(1) The Customs Service, consulting with the United States Trade Representative and the Department of Commerce, shall conduct a study of the efficiency and effectiveness of requiring that all spring wheat, durum or barley imported into the United States be imported into the United States through a single port of entry.

(2) The Customs Service shall report to the Committees on Appropriations and the Senate Committee on Finance and the House Committee on Ways and Means not later than ninety days after the effective date of this Act on the results of the study required by paragraph (1).

SEC. 651. DESIGNATION OF EUGENE J. MCCARTHY POST OFFICE BUILDING. (a) IN GENERAL.—The building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, shall be known and designated as the ''Eugene J. McCarthy Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Eugene J. McCarthy Post Office Building''.

SEC. 652. The Administrator of General Services may provide, from government-wide credit card rebates, up to $3,000,000 in support of the Joint Financial Management Improvement Program as approved by the Chief Financial Officer's Council.

SEC. 653. Section 6302(g) of title 5, United States Code, is amended by inserting after ''chapter 35'' the following: ''or section 3595''.

SEC. 654. ASSESSMENT OF FEDERAL REGULATIONS AND POLICIES ON FAMILIES. (a) PURPOSES.—The purposes of this section are to—

(1) require agencies to assess the impact of proposed agency actions on family well-being; and

(2) improve the management of executive branch agencies.

(b) DEFINITIONS.—In this section—

(1) the term ''agency'' has the meaning given the term ''Executive agency'' by section 105 of title 5, United States Code, except such term does not include the General Accounting Office; and

(2) the term ''family'' means—

(A) a group of individuals related by blood, marriage, adoption, or other legal custody who live together as a single household; and

(B) any individual who is not a member of such group, but who is related by blood, marriage, or adoption to a member of such group, and over half of whose support in a calendar year is received from such group.

(c) FAMILY POLICYMAKING ASSESSMENT.—Before implementing policies and regulations that may affect family well-being, each agency shall assess such actions with respect to whether—

(1) the action strengthens or erodes the stability or safety of the family and, particularly, the marital commitment;

(2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children;

(3) the action helps the family perform its functions, or substitutes governmental activity for the function;

(4) the action increases or decreases disposable income or poverty of families and children;

(5) the proposed benefits of the action justify the financial impact on the family;

(6) the action may be carried out by State or local government or by the family; and

(7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.

(d) GOVERNMENTWIDE FAMILY POLICY COORDINATION AND REVIEW.—

(1) CERTIFICATION AND RATIONALE.—With respect to each proposed policy or regulation that may affect family well-being, the head of each agency shall—

(A) submit a written certification to the Director of the Office of Management and Budget and to Congress that such policy or regulation has been assessed in accordance with this section; and

(B) provide an adequate rationale for implementation of each policy or regulation that may negatively affect family well-being.

(2) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(A) ensure that policies and regulations proposed by agencies are implemented consistent with this section; and

(B) compile, index, and submit annually to the Congress the written certifications received pursuant to paragraph (1)(A).

(3) OFFICE OF POLICY DEVELOPMENT.—The Office of Policy Development shall—

(A) assess proposed policies and regulations in accordance with this section;

(B) provide evaluations of policies and regulations that may affect family well-being to the Director of the Office of Management and Budget; and

(C) advise the President on policy and regulatory actions that may be taken to strengthen the institutions of marriage and family in the United States.

(e) ASSESSMENTS UPON REQUEST BY MEMBERS OF CONGRESS.—Upon request by a Member of Congress relating to a proposed policy or regulation, an agency shall conduct an assessment in accordance with subsection (c), and shall provide a certification and rationale in accordance with subsection (d).

(f) JUDICIAL REVIEW.—This section is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

SEC. 655. None of the funds appropriated pursuant to this Act or any other provision of law may be used for any system to implement section 922(t) of title 18, United States Code, unless the system allows, in connection with a person's delivery of a firearm to a Federal firearms licensee as collateral for a loan, the background check to be performed at the time the collateral is offered for delivery to such licensee: Provided, That the licensee notifies local law enforcement within 48 hours of the licensee receiving a denial on the person offering the collateral: Provided further, That the provisions of section 922(t) shall apply at the time of the redemption of the firearm.

SEC. 656. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with any of the following religious plans:

(1) SelectCare,

(2) PersonalCaresHMO,

(3) Care Choices,

(4) OSF Health Plans, Inc., and

(5) Yellowstone Community Health Plan.

(c) Nothing in this section shall be construed to require coverage of abortion or abortion related services.

TITLE VII—CHILD CARE IN FEDERAL FACILITIES

SEC. 701. SHORT TITLE. This title may be cited as ''Quality Child Care for Federal Employees''.

SEC. 702. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES. (a) DEFINITION.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) CHILD CARE ACCREDITATION ENTITY.—The term ''child care accreditation entity'' means a nonprofit private organization or public agency that—

(A) is recognized by a State agency or by a national organization that serves as a peer review panel on the standards and procedures of public and private child care or school accrediting bodies; and

(B) accredits a facility to provide child care on the basis of—

(i) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State or local licensing requirements, as appropriate, for the facility;

(iii) outside monitoring of the facility; and

(iv) criteria that provide assurances of—

(I) use of developmentally appropriate health and safety standards at the facility;

(II) use of developmentally appropriate educational activities, as an integral part of the child care program carried out at the facility; and

(III) use of ongoing staff development or training activities for the staff of the facility, including related skills-based testing.

(3) ENTITY SPONSORING A CHILD CARE FACILITY.—The term ''entity sponsoring a child care facility'' means a Federal agency that operates, or an entity that enters into a contract or licensing agreement with a Federal agency to operate, a child care facility primarily for the use of Federal employees.

(4) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code, except that the term—

(A) does not include the Department of Defense and the Coast Guard; and

(B) includes the General Services Administration, with respect to the administration of a facility described in paragraph (5)(B).

(5) EXECUTIVE FACILITY.—The term ''executive facility''—

(A) means a facility that is owned or leased by an Executive agency; and

(B) includes a facility that is owned or leased by the General Services Administration on behalf of a judicial office.

(6) FEDERAL AGENCY.—The term ''Federal agency'' means an Executive agency or a legislative office.

(7) JUDICIAL OFFICE.—The term ''judicial office'' means an entity of the judicial branch of the Federal Government.

(8) LEGISLATIVE FACILITY.—The term ''legislative facility'' means a facility that is owned or leased by a legislative office.

(9) LEGISLATIVE OFFICE.—The term ''legislative office'' means an entity of the legislative branch of the Federal Government.

(10) STATE.—The term ''State'' has the meaning given the term in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858n).

(b) EXECUTIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS.—

(A) IN GENERAL.—Any entity sponsoring a child care facility in an executive facility shall—

(i) comply with child care standards described in paragraph (2) that, at a minimum, include applicable State or local licensing requirements, as appropriate, related to the provision of child care in the State or locality involved; or

(ii) obtain the applicable State or local licenses, as appropriate, for the facility.

(B) COMPLIANCE.—Not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with subparagraph (A); and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards described in subparagraph (A)(i) or obtains the licenses described in subparagraph (A)(ii).

(2) HEALTH, SAFETY, AND FACILITY STANDARDS.—The Administrator shall by regulation establish standards relating to health, safety, facilities, facility design, and other aspects of child care that the Administrator determines to be appropriate for child care in executive facilities, and require child care services in executive facilities to comply with the standards. Such standards shall include requirements that child care facilities be inspected for, and be free of, lead hazards.

(3) ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring, to the maximum extent possible, any entity sponsoring an eligible child care facility (as defined by the Administrator) in an executive facility to comply with standards of a child care accreditation entity.

(B) COMPLIANCE.—The regulations shall require that, not later than 5 years after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the standards; and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards.

(4) EVALUATION AND COMPLIANCE.—

(A) IN GENERAL.—The Administrator shall evaluate the compliance, with the requirements of paragraph (1) and the regulations issued pursuant to paragraphs (2) and (3), as appropriate, of child care facilities, and entities sponsoring child care facilities, in executive facilities. The Administrator may conduct the evaluation of such a child care facility or entity directly, or through an agreement with another Federal agency or private entity, other than the Federal agency for which the child care facility is providing services. If the Administrator determines, on the basis of such an evaluation, that the child care facility or entity is not in compliance with the requirements, the Administrator shall notify the Executive agency.

(B) EFFECT OF NONCOMPLIANCE.—On receipt of the notification of noncompliance issued by the Administrator, the head of the Executive agency shall—

(i) if the entity operating the child care facility is the agency—

(I) not later than 2 business days after the date of receipt of the notification, correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) develop and provide to the Administrator a plan to correct any other deficiencies in the operation of the facility and bring the facility and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) bring the child care facility and entity into compliance with the requirements and certify to the Administrator that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure; and

(ii) if the entity operating the child care facility is a contractor or licensee of the Executive agency—

(I) require the contractor or licensee, not later than 2 business days after the date of receipt of the notification, to correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) require the contractor or licensee to develop and provide to the head of the agency a plan to correct any other deficiencies in the operation of the child care facility and bring the facility and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) require the contractor or licensee to provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and to post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) require the contractor or licensee to bring the child care facility and entity into compliance with the requirements and certify to the head of the agency that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure, which closure may be grounds for the immediate termination or suspension of the contract or license of the contractor or licensee.

(C) COST REIMBURSEMENT.—The Executive agency shall reimburse the Administrator for the costs of carrying out subparagraph (A) for child care facilities located in an executive facility other than an executive facility of the General Services Administration. If an entity is sponsoring a child care facility for 2 or more Executive agencies, the Administrator shall allocate the costs of providing such reimbursement with respect to the entity among the agencies in a fair and equitable manner, based on the extent to which each agency is eligible to place children in the facility.

(5) DISCLOSURE OF PRIOR VIOLATIONS TO PARENTS AND FACILITY EMPLOYEES.—The Administrator shall issue regulations that require that each entity sponsoring a child care facility in an Executive facility, upon receipt by the child care facility or the entity (as applicable) of a request by any individual who is a parent of any child enrolled at the facility, a parent of a child for whom an application has been submitted to enroll at the facility, or an employee of the facility, shall provide to the individual—

(A) copies of all notifications of deficiencies that have been provided in the past with respect to the facility under clause (i)(III) or (ii)(III), as applicable, of paragraph (4)(B); and

(B) a description of the actions that were taken to correct the deficiencies.

(c) LEGISLATIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS, HEALTH, SAFETY, AND FACILITY STANDARDS, AND ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Chief Administrative Officer of the House of Representatives shall issue regulations, approved by the Committee on House Oversight of the House of Representatives, governing the operation of the House of Representatives Child Care Center. The Librarian of Congress shall issue regulations, approved by the appropriate House and Senate committees with jurisdiction over the Library of Congress, governing the operation of the child care center located at the Library of Congress. Subject to paragraph (3), the head of a designated entity in the Senate shall issue regulations, approved by the Committee on Rules and Administration of the Senate, governing the operation of the Senate Employees' Child Care Center.

(B) STRINGENCY.—The regulations described in subparagraph (A) shall be no less stringent in content and effect than the requirements of subsection (b)(1) and the regulations issued by the Administrator under paragraphs (2) and (3) of subsection (b), except to the extent that appropriate administrative officers, with the approval of the appropriate House or Senate committees with oversight responsibility for the centers, may jointly or independently determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in paragraphs (1), (2), and (3) of subsection (b) for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities.

(2) EVALUATION AND COMPLIANCE.—

(A) ADMINISTRATION.—Subject to paragraph (3), the Chief Administrative Officer of the House of Representatives, the head of the designated Senate entity, and the Librarian of Congress, shall have the same authorities and duties—

(i) with respect to the evaluation of, compliance of, and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the Administrator has under subsection (b)(4) with respect to the evaluation of, compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(ii) with respect to issuing regulations requiring the entities sponsoring child care facilities in the corresponding legislative facilities to provide notifications of deficiencies and descriptions of corrective actions as the Administration has under subsection (b)(5) with respect to issuing regulations requiring the entities sponsoring child care facilities in executive facilities to provide notifications of deficiencies and descriptions of corrective actions.

(B) ENFORCEMENT.—Subject to paragraph (3), the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, as appropriate, shall have the same authorities and duties with respect to the compliance of and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the head of an Executive agency has under subsection (b)(4) with respect to the compliance of and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities.

(3) INTERIM STATUS.—Until such time as the Committee on Rules and Administration of the Senate establishes, or the head of the designated Senate entity establishes, standards described in paragraphs (1), (2), and (3) of subsection (b) governing the operation of the Senate Employees' Child Care Center, such facility shall maintain current accreditation status.

(d) APPLICATION.—Notwithstanding any other provision of this section, if 8 or more child care facilities are sponsored in facilities owned or leased by an Executive agency, the Administrator shall delegate to the head of the agency the evaluation and compliance responsibilities assigned to the Administrator under subsection (b)(4)(A).

(e) TECHNICAL ASSISTANCE, STUDIES, AND REVIEWS.—The Administrator may provide technical assistance, and conduct and provide the results of studies and reviews, for Executive agencies, and entities sponsoring child care facilities in executive facilities, on a reimbursable basis, in order to assist the entities in complying with this section. The Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of the designated Senate entity described in subsection (c), may provide technical assistance, and conduct and provide the results of studies and reviews, or request that the Administrator provide technical assistance, and conduct and provide the results of studies and reviews, for the corresponding legislative offices, and entities operating child care facilities in the corresponding legislative facilities, on a reimbursable basis, in order to assist the entities in complying with this section.

(f) COUNCIL.—The Administrator shall establish an interagency council, comprised of representatives of all Executive agencies described in subsection (d), a representative of the Chief Administrative Officer of the House of Representatives, a representative of the designated Senate entity described in subsection (c), and a representative of the Librarian of Congress, to facilitate cooperation and sharing of best practices, and to develop and coordinate policy, regarding the provision of child care, including the provision of areas for nursing mothers and other lactation support facilities and services, in the Federal Government.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000 for fiscal year 1999 and such sums as may be necessary for each subsequent fiscal year.

SEC. 703. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES. (a) IN GENERAL.—An Executive agency that provides or proposes to provide child care services for Federal employees may use agency funds to provide the child care services, in a facility that is owned or leased by an Executive agency, or through a contractor, for civilian employees of such agency.

(b) AFFORDABILITY.—Funds so used with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Office of Personnel Management and the General Services Administration shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

SEC. 704. MISCELLANEOUS PROVISIONS RELATING TO CHILD CARE PROVIDED BY FEDERAL AGENCIES. (a) AVAILABILITY OF FEDERAL CHILD CARE CENTERS FOR ONSITE CONTRACTORS; PERCENTAGE GOAL.—Section 616(a) of the Act of December 22, 1987 (40 U.S.C. 490b), is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

''(2) such officer or agency determines that such space will be used to provide child care and related services to—

''(A) children of Federal employees or onsite Federal contractors; or

''(B) dependent children who live with Federal employees or onsite Federal contractors; and

''(3) such officer or agency determines that such individual or entity will give priority for available child care and related services in such space to Federal employees and onsite Federal contractors.''; and

(2) by adding at the end the following:

''(e)(1)(A) The Administrator of General Services shall confirm that at least 50 percent of aggregate enrollment in Federal child care centers governmentwide are children of Federal employees or onsite Federal contractors, or dependent children who live with Federal employees or onsite Federal contractors.

''(B) Each provider of child care services at an individual Federal child care center shall maintain 50 percent of the enrollment at the center of children described under subparagraph (A) as a goal for enrollment at the center.

''(C) If enrollment at a center does not meet the percentage goal under subparagraph (B), the provider shall develop and implement a business plan with the sponsoring Federal agency to achieve the goal within a reasonable timeframe. Such plan shall be approved by the Administrator of General Services based on—

''(i) compliance of the plan with standards established by the Administrator; and

''(ii) the effect of the plan on achieving the aggregate Federal enrollment percentage goal.

''(2) The Administrator of General Services Administration may enter into public-private partnerships or contracts with nongovernmental entities to increase the capacity, quality, affordability, or range of child care and related services and may, on a demonstration basis, waive subsection (a)(3) and paragraph (1) of this subsection.''.

(b) PAYMENT OF COSTS OF TRAINING PROGRAMS.—Section 616(b)(3) of such Act (40 U.S.C. 490(b)(3)) is amended to read as follows:

''(3) If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited. Any agency, department, or instrumentality of the United States that provides or proposes to provide child care services for children referred to in subsection (a)(2), may reimburse any Federal employee or any person employed to provide such services for the costs of training programs, conferences, and meetings and related travel, transportation, and subsistence expenses incurred in connection with those activities. Any per diem allowance made under this section shall not exceed the rate specified in regulations prescribed under section 5707 of title 5, United States Code.''.

(c) PROVISION OF CHILD CARE BY PRIVATE ENTITIES.—Section 616(d) of such Act (40 U.S.C. 490b(d)) is amended to read as follows:

''(d)(1) If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency, the child care center board of directors, or the General Services Administration may enter into an agreement with 1 or more private entities under which such private entities would assist in defraying the general operating expenses of the child care providers including salaries and tuition assistance programs at the facility.

''(2)(A) Notwithstanding any other provision of law, if a Federal agency does not have a child care program, or if the Administrator of General Services has identified a need for child care for Federal employees at an agency providing child care services that do not meet the requirements of subsection (a), the agency or the Administrator may enter into an agreement with a non-Federal, licensed, and accredited child care facility, or a planned child care facility that will become licensed and accredited, for the provision of child care services for children of Federal employees.

''(B) Before entering into an agreement, the head of the Federal agency shall determine that child care services to be provided through the agreement are more cost effectively provided through such arrangement than through establishment of a Federal child care facility.

''(C) The agency may provide any of the services described in subsection (b)(3) if, in exchange for such services, the facility reserves child care spaces for children referred to in subsection (a)(2), as agreed to by the parties. The cost of any such services provided by an agency to a child care facility on behalf of another agency shall be reimbursed by the receiving agency.

''(3) This subsection does not apply to residential child care programs.''.

(d) PILOT PROJECTS.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

''(f)(1) Upon approval of the agency head, an agency may conduct a pilot project not otherwise authorized by law for no more than 2 years to test innovative approaches to providing alternative forms of quality child care assistance for Federal employees. An agency head may extend a pilot project for an additional 2-year period. Before any pilot project may be implemented, a determination shall be made by the agency head that initiating the pilot project would be more cost-effective than establishing a new child care facility. Costs of any pilot project shall be borne solely by the agency conducting the pilot project.

''(2) The Administrator of General Services shall serve as an information clearinghouse for pilot projects initiated by other agencies to disseminate information concerning the pilot projects to the other agencies.

''(3) Within 6 months after completion of the initial 2-year pilot project period, an agency conducting a pilot project under this subsection shall provide for an evaluation of the impact of the project on the delivery of child care services to Federal employees, and shall submit the results of the evaluation to the Administrator of General Services. The Administrator shall share the results with other Federal agencies.''.

(e) BACKGROUND CHECK.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

''(g) Each child care center located in a federally owned or leased facility shall ensure that each employee of such center (including any employee whose employment began before the date of enactment of this subsection) shall undergo a criminal history background check consistent with section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).''.

SEC. 705. REQUIREMENT TO PROVIDE LACTATION SUPPORT IN NEW FEDERAL CHILD CARE FACILITIES. (a) DEFINITIONS.—In this section, the terms ''Federal agency'', ''executive facility'', and ''legislative facility'' have the meanings given the terms in section 702.

(b) LACTATION SUPPORT.—The head of each Federal agency shall require that each child care facility in an executive facility or a legislative facility that is first operated after the 1-year period beginning on the date of enactment of this Act by the Federal agency, or under a contract or licensing agreement with the Federal agency, shall provide reasonable accommodations for the needs of breast-fed infants and their mothers, including providing a lactation area or a room for nursing mothers in part of the operating plan for the facility.

TITLE VIII—TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 801. TECHNICAL AND CLARIFYING AMENDMENTS RELATING TO DISTRICT OF COLUMBIA RETIREMENT FUNDS. (a) PERMITTING OTHER FEDERAL ENTITIES TO ADMINISTER PROGRAM.—Section 11003 of the Balanced Budget Act of 1997 (D.C. Code, sec. 1–761.2) is amended—

(1) in paragraph (1), by inserting '', and includes any agreement with a department, agency, or instrumentality of the United States entered into under that section'' after ''the Trustee''; and

(2) in paragraph (10), by striking '', partnership, joint venture, corporation, mutual company, joint-stock company, trust, estate, unincorporated organization, association, or employee organization'' and inserting ''; partnership; joint venture; corporation; mutual company; joint-stock company; trust; estate; unincorporated organization; association; employee organization; or department, agency, or instrumentality of the United States'' .

(b) PERMITTING WAIVER OF RECOVERY OF AMOUNTS PAID IN ERROR.—Section 11021(3) of such Act (D.C. Code, sec. 1–763.1(3)) is amended by inserting '', or waive recoupment or recovery of,'' after ''recover''.

(c) PERMITTING USE OF TRUST FUND TO COVER ADMINISTRATIVE EXPENSES.—Section 11032 of such Act (D.C. Code, sec. 1–764.2) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—Amounts in the Trust Fund shall be used—

''(1) to make Federal benefit payments under this subtitle;

''(2) subject to subsection (b)(1), to cover the reasonable and necessary expenses of administering the Trust Fund under the contract entered into pursuant to section 11035(b);

''(3) to cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary's responsibilities under this subtitle; and

''(4) for such other purposes as are specified in this subtitle.''; and

(2) in subsection (b)(2), by inserting ''(including expenses described in section 11041(b))'' after ''to administer the Trust Fund''.

(d) PROMOTING FLEXIBILITY IN ADMINISTRATION OF PROGRAM.—Section 11035 of such Act (D.C. Code, sec. 1–764.5) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

''(c) SUBCONTRACTS.—Notwithstanding any provision of a District Retirement Program or any other law, rule, or regulation, the Trustee may, with the approval of the Secretary, enter into one or more subcontracts with the District Government or any person to provide services to the Trustee in connection with its performance of the contract. The Trustee shall monitor the performance of any such subcontract and enforce its provisions.

''(d) DETERMINATION BY THE SECRETARY.—Notwithstanding subsection (b) or any other provision of this subtitle, the Secretary may determine, with respect to any function otherwise to be performed by the Trustee, that in the interest of economy and efficiency such function shall be performed by the Secretary rather than the Trustee.''.

(e) PROCESS FOR REIMBURSEMENT OF DISTRICT GOVERNMENT FOR EXPENSES OF INTERIM ADMINISTRATION.—Section 11041 of such Act (D.C. Code, sec. 1–765.1) is amended—

(1) in subsection (b), by striking ''The Trustee shall'' and inserting ''The Secretary or the Trustee shall, at such times during or after the period of interim administration described in subsection (a) as are deemed appropriate by the Secretary or the Trustee'';

(2) in subsection (b)(1), by inserting ''the Secretary or'' after ''if''; and

(3) in subsection (c), by striking ''the replacement plan adoption date'' and inserting ''such time as the Secretary notifies the District Government that the Secretary has directed the Trustee to carry out the duties and responsibilities required under the contract''.

(f) ANNUAL FEDERAL PAYMENT INTO FEDERAL SUPPLEMENTAL FUND.—Section 11053 of such Act (D.C. Code, sec. 1–766.3) is amended—

(1) by amending subsection (a) to read as follows:

''(a) ANNUAL AMORTIZATION AMOUNT.—At the end of each applicable fiscal year the Secretary shall promptly pay into the Federal Supplemental Fund from the General Fund of the Treasury an amount equal to the annual amortization amount for the year (which may not be less than zero).'';

(2) in subsection (b), by striking ''freeze date'' and inserting ''effective date of this Act'';

(3) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(4) by inserting after subsection (a) the following new subsection:

''(b) ADMINISTRATIVE EXPENSES.—During each applicable fiscal year, the Secretary shall pay into the Federal Supplemental Fund from the General Fund of the Treasury amounts not to exceed the covered administrative expenses for the year.''.

(g) TECHNICAL CORRECTIONS.—(1) Section 11012(c) of such Act (D.C. Code, sec. 1–752.2(c)) is amended by striking ''District of Columbia Retirement Board'' and inserting ''District Government''.

(2) Section 11033(c)(1) of such Act (D.C. Code, sec. 1–764.3(c)(1)) is amended by striking ''consisting'' in the first place that it appears.

(3) Section 11052 of such Act (D.C. Code, sec. 1–766.2) is amended by inserting ''to'' after ''may be made only''.

SEC. 802. CLARIFYING TREATMENT OF DISTRICT OF COLUMBIA EMPLOYEES TRANSFERRED TO FEDERAL RETIREMENT SYSTEMS.

(a) ELIGIBILITY OF NONJUDICIAL EMPLOYEES OF DISTRICT OF COLUMBIA COURTS FOR MEDICARE AND SOCIAL SECURITY BENEFITS.—Section 11246(b) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 755) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) CONFORMING AMENDMENTS TO INTERNAL REVENUE CODE AND SOCIAL SECURITY.—(A) Section 3121(b)(7)(C) of the Internal Revenue Code of 1986 (relating to the definition of employment for service performed in the employ of the District of Columbia) is amended by inserting '(other than the Federal Employees Retirement System provided in chapter 84 of title 5, United States Code)' after 'law of the United States'.

''(B) Section 210(a)(7)(D) of the Social Security Act (42 U.S.C. 410(a)(7)(D)) (relating to the definition of employment for service performed in the employ of the District of Columbia), is amended by inserting '(other than the Federal Employees Retirement System provided in chapter 84 of title 5, United States Code)' after 'law of the United States.''.

(b) VESTING UNDER PREVIOUS DISTRICT OF COLUMBIA RETIREMENT PROGRAM.—For purposes of vesting pursuant to section 2610(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–627.10(b)), creditable service with the District for employees whose participation in the District Defined Contribution Plan ceases as a result of the implementation of the Balanced Budget Act of 1997 shall include—

(1) continuous service performed by nonjudicial employees of the District of Columbia courts after September 30, 1997; and

(2) service performed for a successor employer, including the Department of Justice or the District of Columbia Offender Supervision, Defender, and Courts Services Agency established under section 11233 of the Balanced Budget Act of 1997, that provides services previously performed by the District government.

SEC. 803. METHODOLOGY FOR DESIGNATING ASSETS OF RETIREMENT FUND

Section 11033 of the Balanced Budget Act of 1997 (D.C. Code, sec. 1–764.3) is amended by adding at the end the following new subsection:

''(e) METHODOLOGY FOR DESIGNATING ASSETS.—

''(1) IN GENERAL.—In carrying out subsection (b), the Secretary may develop and implement a methodology for designating assets after the replacement plan adoption date that takes into account the value of the District Retirement Fund as of the replacement plan adoption date and the proportion of such value represented by $1.275 billion, together with the income (including returns on investments) earned on the assets of and withdrawals from and deposits to the Fund during the period between such date and the date on which the Secretary designates assets under subsection (b). In implementing a methodology under the previous sentence, the Secretary shall not be required to determine the value of designated assets as of the replacement plan adoption date. Nothing in this paragraph may be deemed to effect the entitlement of the District Retirement Fund to income (including returns on investments) earned after the replacement plan adoption date on assets designated for retention by the Fund.

''(2) EMPLOYEE CONTRIBUTIONS; JUDICIAL RETIREMENT AND SURVIVORS ANNUITY FUND.—The Secretary may develop and implement a methodology comparable to the methodology described in paragraph (1) in carrying out the requirements of subsection (c) and in designating assets to be transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund pursuant to section 124(c)(1) of the District of Columbia Retirement Reform Act (as amended by section 11252).

''(3) DISCRETION OF THE SECRETARY.—The Secretary's development and implementation of methodologies for designating assets under this subsection shall be final and binding.''.

SEC. 804. TECHNICAL AND CLARIFYING AMENDMENTS RELATING TO JUDICIAL RETIREMENT PROGRAM.

(a) ADMINISTRATION OF JUDICIAL RETIREMENT AND SURVIVORS ANNUITY FUND.—Section 11–1570, District of Columbia Code, as amended by section 11251 of the Balanced Budget Act of 1997, is amended as follows:

(1) In subsection (b)(1)—

(A) by striking ''title I of the National Capital Revitalization and Self-Government Improvement Act of 1997'' and inserting ''subtitle A of title XI of the Balanced Budget Act of 1997''; and

(B) by inserting after the second sentence the following new sentences: ''Notwithstanding any other provision of District law or any other law, rule, or regulation, any Trustee, contractor, or enrolled actuary selected by the Secretary under this subsection may, with the approval of the Secretary, enter into one or more subcontracts with the District of Columbia government or any person to provide services to such Trustee, contractor, or enrolled actuary in connection with its performance of its agreement with the Secretary. Such Trustee, contractor, or enrolled actuary shall monitor the performance of any subcontract to which it is a party and enforce its provisions.''.

(2) In subsection (b)(2)—

(A) by striking ''chief judges of the District of Columbia Court of Appeals and Superior Court of the District of Columbia'' and inserting ''Secretary'';

(B) by striking ''and the Secretary'';

(C) by striking ''and appropriations''; and

(D) by striking ''and deficiency''.

(3) By amending subsection (c) to read as follows:

''(c)(1) Amounts in the Fund are available—

''(A) for the payment of judges retirement pay, annuities, refunds, and allowances under this subchapter;

''(B) to cover the reasonable and necessary expenses of administering the Fund under any agreement entered into with a Trustee, contractor, or enrolled actuary under subsection (b)(1), including any agreement with a department, agency or instrumentality of the United States; and

''(C) to cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary's responsibilities under this subchapter.

''(2) Notwithstanding any other provision of District law or any other law, rule, or regulation—

''(A) the Secretary may review benefit determinations under this subchapter made prior to the date of the enactment of the Balanced Budget Act of 1997, and shall make initial benefit determinations after such date; and

''(B) the Secretary may recoup or recover, or waive recoupment or recovery of, any amounts paid under this subchapter as a result of errors or omissions by any person.''.

(4) In subsection (d)(1)—

(A) by striking ''Subject to the availability of appropriations, there shall be deposited into the Fund'' and inserting ''The Secretary shall pay into the Fund from the General Fund of the Treasury''; and

(B) by striking ''(beginning with the first fiscal year which ends more than 6 months after the replacement plan adoption date described in section 103(13) of the National Capital Revitalization and Self-Government Improvement Act of 1997)''.

(5) In subsection (d)(2)(A)—

(A) by striking ''June 30, 1997'' and inserting ''September 30, 1997''; and

(B) by striking ''net the sum of future normal cost'' and inserting ''net of the sum of the present value of future normal costs''.

(6) In subsection (d)(3), by striking ''shall be taken from sums available for that fiscal year for the payment of the expenses of the Court, and''.

(7) By adding at the end the following new subsections:

''(h) For purposes of the Internal Revenue Code of 1986—

''(1) the Fund shall be treated as a trust described in section 401(a) of the Code that is exempt from taxation under section 501(a) of the Code;

''(2) any transfer to or distribution from the Fund shall be treated in the same manner as a transfer to or distribution from a trust described in section 401(a) of the Code; and

''(3) the benefits provided by the Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

''(i) For purposes of the Employee Retirement Income Security Act of 1974, the benefits provided by the Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

''(j) To the extent that any provision of subpart A of part I of subchapter D of the chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 401 et seq.) is amended after the date of the enactment of this subsection, such provision as amended shall apply to the Fund only to the extent the Secretary determines that application of the provision as amended is consistent with the administration of this subchapter.

''(k) Federal obligations for benefits under this subchapter are backed by the full faith and credit of the United States.''.

(b) REGULATORY AUTHORITY OF SECRETARY.—Section 11251 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 756) is amended—

(1) by redesignating subsection (b) as subsection (c);

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

''(b) REGULATIONS; EFFECT ON REFORM ACT.—Title 11, District of Columbia Code, is amended by adding the following new section:

'§11–1572. Regulations; effect on Reform Act.

'(a) The Secretary is authorized to issue regulations to implement, interpret, administer and carry out the purposes of this subchapter, and, in the Secretary's discretion, those regulations may have retroactive effect, except that nothing in this subsection may be construed to permit the Secretary to issue any regulation to retroactively reduce or eliminate the benefits to which any individual is entitled under this subchapter.

'(b) This subchapter supersedes any provision of the District of Columbia Retirement Reform Act (Public Law 96-122) inconsistent with this subchapter and the regulations thereunder.'.'';

and

(3) by amending subsection (c) (as so redesignated) to read as follows:

''(c) CLERICAL AMENDMENTS.—

''(1) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by amending the item relating to section 11-1570 to read as follows:

'11-1570. The District of Columbia Judicial Retirement and Survivors Annuity Fund.'.

''(2) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by adding at the end the following new item:

'11-1572. Regulations; effect on Reform Act.'.''.

(c) TERMINATION OF PREVIOUS FUND AND PROGRAM.—Section 124 of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–714), as amended by section 11252(a) of the Balanced Budget Act of 1997, is amended—

(1) in subsection (a), by inserting ''(except as provided in section 11-1570, District of Columbia Code)'' after ''the following'';

(2) in subsection (c)(1), by striking ''title I of the National Capital Revitalization and Self-Government Improvement Act of 1997'' and inserting ''subtitle A of title XI of the Balanced Budget Act of 1997''; and

(3) in subsection (c)(2)—

(A) by striking ''(2) The'' and inserting ''(2) In accordance with the direction of the Secretary, the'';

(B) by striking ''in the Treasury'' and inserting ''at the Board''; and

(C) by striking ''appropriated'' and inserting ''used''.

(d) ADMINISTRATION OF RETIREMENT FUNDS.—Section 11252 of the Balanced Budget Act of 1997 is amended—

(1) by redesignating subsection (b) as subsection (c);

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

''(b) TRANSITION FROM DISTRICT OF COLUMBIA ADMINISTRATION.—Sections 11023, 11032(b)(2), 11033(d), and 11041 shall apply to the administration of the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–714), the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11–1570, District of Columbia Code, and the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code, except as follows:

''(1) In applying each such section—

''(A) any reference to this subtitle shall instead refer to subchapter III of chapter 15 of title 11, District of Columbia Code;

''(B) any reference to the District Retirement Program shall be deemed to include the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code;

''(C) any reference to the District Retirement Fund shall be deemed to include the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act;

''(D) any reference to Federal benefit payments shall be deemed to include judges retirement pay, annuities, refunds and allowances under subchapter III of chapter 15 of title 11, District of Columbia Code;

''(E) any reference to the Trust Fund shall instead refer to the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11–1570, District of Columbia Code;

''(F) any reference to section 11033 shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

''(G) any reference to chapter 2 shall instead refer to section 11–1570, District of Columbia Code.

''(2) In applying section 11023—

''(A) any reference to the contract shall instead refer to the agreement referred to in section 11–1570(b), District of Columbia Code ; and

''(B) any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.

''(3) In applying section 11033(d)—

''(A) any reference to this section shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

''(B) any reference to the Trustee shall instead refer to the Secretary or the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.

''(4) In applying section 11041(b), any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.''; and

(3) by adding at the end the following new subsection:

''(d) EFFECTIVE DATE.—The provisions of subsection (c) shall take effect on the date on which the assets of the District of Columbia Judges Retirement Fund are transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund.''.

(e) MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS.—(1) Sections 11–1568(d) and 11–1569, District of Columbia Code, are each amended by striking ''Mayor'' each place it appears and inserting ''Secretary of the Treasury''.

(2) Section 11–1568.2, District of Columbia Code, is amended by striking ''Mayor of the District of Columbia'' each place it appears and inserting ''Secretary of the Treasury''.

(3) Section 121(b)(1)(A) of the District of Columbia Retirement Reform Act (DC Code, sec. 1–711(b)(1)(A)), as amended by section 11252(c)(1) of the Balanced Budget Act of 1997 (as redesignated by subsection (d)(1)), is amended in the matter preceding clause (i), by striking ''11'' and inserting ''12''.

(4) Section 11–1561(4), District of Columbia Code, as amended by section 11253(b) of the Balanced Budget Act of 1997, is amended by striking ''sections'' and inserting ''section''.

(5) Section 11253(c) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 759) is amended to read as follows:

''(c) TREATMENT OF FEDERAL SERVICE OF JUDGES.—Section 11–1564, District of Columbia Code, is amended—

''(1) in subsection (d)(2)(A), by striking 'section 1–1814)' and inserting 'section 1–714) or the District of Columbia Judicial Retirement and Survivors Annuity Fund (established by section 11–1570)'; and

''(2) in subsection (d)(4), by striking 'Judges Retirement Fund established by section 124(a) of the District of Columbia Retirement Reform Act' and inserting 'Judicial Retirement and Survivors Annuity Fund under section 11–1570'.''.

(6) Section 11253 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 759) is amended by adding at the end the following new subsection:

''(d) REDEPOSITS TO FUND.—Section 11–1568.1(4)(A), District of Columbia Code, is amended by striking 'Judges Retirement Fund' and inserting 'Judicial Retirement and Survivors Annuity Fund'.''.

(f) EFFECTIVE DATE.—The amendments made by subsections (a)(2), (a)(4), and (a)(6) shall take effect October 1, 1998.

SEC. 805. EFFECTIVE DATE.

Except as otherwise specifically provided, this title and the amendments made by this title shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

TITLE IX—HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998

SEC. 901. SHORT TITLE. This title may be cited as the ''Haitian Refugee Immigration Fairness Act of 1998''.

SEC. 902. ADJUSTMENT OF STATUS OF CERTAIN HAITIAN NATIONALS. (a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition on submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who is a national of Haiti who—

(1) was present in the United States on December 31, 1995, who—

(A) filed for asylum before December 31, 1995,

(B) was paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest, or

(C) was a child (as defined in the text above subparagraph (A) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) at the time of arrival in the United States and on December 31, 1995, and who—

(i) arrived in the United States without parents in the United States and has remained without parents in the United States since such arrival,

(ii) became orphaned subsequent to arrival in the United States, or

(iii) was abandoned by parents or guardians prior to April 1, 1998 and has remained abandoned since such abandonment; and

(2) has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Haiti;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that he or she has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed; and

(D) the alien is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent resident pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this title, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this title shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

(i) ADJUSTMENT OF STATUS HAS NO EFFECT ON ELIGIBILITY FOR WELFARE AND PUBLIC BENEFITS.—No alien whose status has been adjusted in accordance with this section and who was not a qualified alien on the date of enactment of this Act may, solely on the basis of such adjusted status, be considered to be a qualified alien under section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)), as amended by section 5302 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 598), for purposes of determining the alien's eligibility for supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.).

(j) PERIOD OF APPLICABILITY.—Subsection (i) shall not apply after October 1, 2003.

SEC. 903. COLLECTION OF DATA ON DETAINED ASYLUM SEEKERS. (a) IN GENERAL.—The Attorney General shall regularly collect data on a nation-wide basis with respect to asylum seekers in detention in the United States, including the following information:

(1) The number of detainees.

(2) An identification of the countries of origin of the detainees.

(3) The percentage of each gender within the total number of detainees.

(4) The number of detainees listed by each year of age of the detainees.

(5) The location of each detainee by detention facility.

(6) With respect to each facility where detainees are held, whether the facility is also used to detain criminals and whether any of the detainees are held in the same cells as criminals.

(7) The number and frequency of the transfers of detainees between detention facilities.

(8) The average length of detention and the number of detainees by category of the length of detention.

(9) The rate of release from detention of detainees for each district of the Immigration and Naturalization Service.

(10) A description of the disposition of cases.

(b) ANNUAL REPORTS.—Beginning October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsection (a) for the fiscal year ending September 30 of that year.

(c) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsection (a) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

SEC. 904. COLLECTION OF DATA ON OTHER DETAINED ALIENS. (a) IN GENERAL.—The Attorney General shall regularly collect data on a nationwide basis on aliens being detained in the United States by the Immigration and Naturalization Service other than the aliens described in section 903, including the following information:

(1) The number of detainees who are criminal aliens and the number of detainees who are noncriminal aliens who are not seeking asylum.

(2) An identification of the ages, gender, and countries of origin of detainees within each category described in paragraph (1).

(3) The types of facilities, whether facilities of the Immigration and Naturalization Service or other Federal, State, or local facilities, in which each of the categories of detainees described in paragraph (1) are held.

(b) LENGTH OF DETENTION, TRANSFERS, AND DISPOSITIONS.—With respect to detainees who are criminal aliens and detainees who are non-criminal aliens who are not seeking asylum, the Attorney General shall also collect data concerning—

(1) the number and frequency of transfers between detention facilities for each category of detainee;

(2) the average length of detention of each category of detainee;

(3) for each category of detainee, the number of detainees who have been detained for the same length of time, in 3-month increments;

(4) for each category of detainee, the rate of release from detention for each district of the Immigration and Naturalization Service; and

(5) for each category of detainee, the disposition of detention, including whether detention ended due to deportation, release on parole, or any other release.

(c) CRIMINAL ALIENS.—With respect to criminal aliens, the Attorney General shall also collect data concerning—

(1) the number of criminal aliens apprehended under the immigration laws and not detained by the Attorney General; and

(2) a list of crimes committed by criminal aliens after the decision was made not to detain them, to the extent this information can be derived by cross-checking the list of criminal aliens not detained with other databases accessible to the Attorney General.

(d) ANNUAL REPORTS.—Beginning on October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsections (a), (b), and (c) for the fiscal year ending September 30 of that year.

(e) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsections (a), (b), and (c) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

This Act may be cited as the ''Treasury and General Government Appropriations Act, 1999''.

And the Senate agree to the same.

JIM KOLBE,
ERNEST ISTOOK,
ANNE M. NORTHUP,
BOB LIVINGSTON,
JOSEPH MCDADE
(except for section 656),
STENY H. HOYER,
CARRIE P. MEEK,
DAVID E. PRICE,
DAVID R. OBEY
(except for section 514 on FEC),
Managers on the Part of House.

BEN NIGHTHORSE,
CAMPBELL,
RICHARD SHELBY,
LAUCH FAIRCLOTH,
TED STEVENS,
HERB KOHL
(with exception to section 514),
BARBARA A. MIKULSKI
(with exception to section 514),
ROBERT C. BYRD
(with exception to section 514),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4104), making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Treasury and General Government Appropriations Act, 1999, incorporates some of the language and allocations set forth in House Report 105–592 and Senate Report 105–251. The language in these reports should be complied with unless specifically addressed in the accompanying statement of managers.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances the managers are referring to the House Subcommittee on Treasury, Postal Service, and General Government and the Senate Subcommittee on Treasury and General Government.

REPROGRAMMING AND TRANSFER OF FUNDS GUIDELINES

Due to continuing issues associated with agency requests for reprogramming and transfer of funds and use of unobligated balances, the conferees have agreed to reprogramming guidelines included in House Report 105–592. Those guidelines shall be complied with by all agencies funded by the Treasury and General Government Appropriations Act, 1999:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for a reprogramming or a transfer of funds, or use of unobligated balances, which are submitted after the close of the third quarter of the fiscal year, June 30;

2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;

3. For agencies, departments, or offices receiving appropriations in excess of $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $500,000 or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

4. For agencies, departments, or offices receiving appropriations less than $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $50,000, or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

5. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;

6. For any action which would result in a major change to the program or item which is different than that presented to and approved by either of the Committees, or the Congress, a reprogramming shall be submitted;

7. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted; and,

8. For any action where funds earmarked by either of the Committees for a specific activity are in excess of the project or activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted.

Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The conference agreement appropriates $123,151,000 for Departmental Offices instead of $122,889,000 as proposed by the House and $120,671,000 as proposed by the Senate. The amount appropriated includes: $3,704,000 for mandatory cost increases; an additional $470,000 for the Office of Tax Policy; an additional $255,000 for the Office of Economic Policy; an additional $499,000 for International Affairs Policies and Programs; an additional $801,000 for Enforcement Policies and Programs; an additional $866,000 for the Office of Foreign Assets Control; an additional $239,000 for Fiscal and Financial Policies and Programs; and an additional $300,000 for Treasury-wide management policies and practices. The conferees are aware that additional funds in the amount of $1,238,000 are required in fiscal year 1999 for Year 2000 compliance. The conference agreement also includes funding to allow the Department to provide no more than $500,000 in contract awards to the National Law Center for Inter-American Free Trade as proposed by the House.

The conferees have agreed to provide an additional $1,200,000 within this account for the Under Secretary of Enforcement to continue the operations of the Office of Professional Responsibility, should he so desire, as proposed by the Senate.

The conference agreement includes language which provides that the Office of Foreign Assets Control shall be funded at no less than $6,560,800 as proposed by the Senate instead of $5,517,000 as proposed by the House. The conferees have included language authorizing the Department to charge both direct and indirect costs to the Office of Foreign Assets Control in the implementation of this floor.

The Senate bill included language in this and a number of other accounts which provides that funds appropriated in this Act may be used for Year 2000 computer conversion costs pending the availability of funding for that purpose in a separate appropriation. The conferees have deleted that language in each instance in which it occurs and have instead included a new general provision (Section 513) to permit the use of funds provided in this Act to initiate or continue projects or activities to the extent necessary to achieve Year 2000 computer conversion until such time as supplemental appropriations are provided for those activities.

The conference agreement deletes language proposed by the House which provides compensation for losses incurred due to the denial of entry into the United States of certain firearms. The conferees have included language in Title VI (Section 646) of the bill to provide for this relief through the use of the Judgement Fund, as proposed by the Senate.

TREASURY LAW ENFORCEMENT VEHICLES

No later than 90 days after enactment of this Act, the Department shall submit to the Committees on Appropriations directives to implement the management of law enforcement vehicle usage in the Department. These directives shall include: development of a Department-wide vehicle management system to ensure adequate oversight of vehicle usage; standards and procedures for full compliance with home-to-work regulations on vehicle use; verifiable determination that vehicle use throughout the Department is in support of law enforcement purposes only; and implementation of a log tracking system by activity and specific use of law enforcement vehicles.

UNDER SECRETARY FOR ENFORCEMENT

The conferees direct the Department of the Treasury to submit, with its fiscal year 2000 budget request, detailed budget justification materials for the Office of the Under Secretary for Enforcement.

OFFICE OF PROFESSIONAL RESPONSIBILITY

SALARIES AND EXPENSES

The conferees agree to provide no separate funding for the Office of Professional Responsibility (OPR) in fiscal year 1999 as proposed by the Senate, but instead have provided adequate funding within the Departmental Offices appropriations for the Under Secretary for Enforcement to continue the work of this office should he so desire. The conferees expect that the Department also will use approximately $350,000 in reprogramming authority, the anticipated share of the unobligated balance of funds at the end of fiscal year 1998, to augment this appropriation.

In fiscal year 1998, the Under Secretary for Enforcement was charged with tasking OPR to conduct a comprehensive review of integrity issues and other matters related to the potential vulnerability of the United States Customs Service to corruption, to include examination of charges of professional misconduct and corruption as well as analysis of the efficacy of departmental and bureau internal affairs systems. The conferees expect that this work will continue, and that it will be in conjunction with related efforts funded through the Customs Integrity Awareness Program.

AUTOMATION ENHANCEMENT

The conferees agree to provide $28,690,000 for Automation Enhancement instead of $31,190,000 as proposed by the House and $28,990,000 as proposed by the Senate. The amount provided shall be transferred as follows:

Customs Service.—$8,000,000 for the Automated Commercial Environment.

Bureau of Alcohol, Tobacco, and Firearms.—$3,700,000 for a human resources system re-engineering pilot program.

Departmental Offices.—$16,990,000, of which $5,400,000 is for the International Trade Data System, of which $6,577,000 is for Department-wide human resources re-engineering program management and implementation, of which $3,813,000 is for Departmental Offices productivity enhancement, of which $1,000,000 is for the Treasury Vehicle Management System, and of which $200,000 is for Department-wide implementation of the Treasury Information System Architecture Framework.

The conferees agree that the funds provided shall remain available until September 30, 2000, as proposed by the House rather than remain available until expended as proposed by the Senate.

The conferees are aware that additional funds in the amount of $2,762,000 are required in fiscal year 1999 for Year 2000 compliance.

AUTOMATED COMMERCIAL ENVIRONMENT

The conferees agree to provide $8,000,000 for the Customs Service ACE project, with the proviso that $6,000,000 shall not be available for obligation until the Treasury's Chief Information Officer, through the Treasury Investment Review Board, concurs on the plan and milestone schedule for the deployment of the system. Furthermore, $6,000,000 shall not be obligated until the Commissioner of Customs provides to the Committees on Appropriations an Enterprise Information Systems Architecture (EISA) for Customs that covers all Customs' areas of business—not just trade compliance. For the EISA to be acceptable, it must comply with the Treasury Information Systems Architecture Framework, include measures to enforce compliance, and be approved by the Treasury Investment Review Board.

The conferees are pleased with the efforts made by the Treasury Department to exercise some management responsibility for the ACE project, which represents an enormous information technology investment for the Department and Customs. Clear benefits are already being seen in the quality of analysis applied to investment decisions, and coordination with other information technology projects such as the International Trade Data System (ITDS). The conferees support the continued exercise of strong oversight by the Treasury Department over this project.

FINANCIAL CRIMES ENFORCEMENT NETWORK

The conferees agree to provide $24,000,000 as proposed by the House instead of $23,670,000 as proposed by the Senate. In addition, the conferees agree that the funds shall be available with no earmark for the GATEWAY program, as had been proposed by the Senate.

TREASURY FORFEITURE FUND

The conferees expect that the super surplus for the Treasury Forfeiture Fund will continue to be large in fiscal year 1999, and direct the Department to provide the Committees its plan for intended use of these resources in a timely fashion, as well as in its presentation of the fiscal year 2000 budget request.

The conferees support the use of the super surplus to further advance Treasury Department law enforcement programs, and acknowledge the Department's plan to use its surplus for a variety of activities. The conferees direct the Department to use $11,012,000 as follows: $5,512,000 for the construction of a P–3 hangar in Corpus Christi, Texas, for the United States Customs Service; $4,000,000 for the CEASEFIRE/IBIS program, and $1,500,000 for the Global Transpark Customs Information Project. The conferees also agree that super surplus funds may be used for replacement of law enforcement vehicles, instead of the prohibition proposed by the Senate.

VIOLENT CRIME REDUCTION PROGRAMS

The conferees agree to provide $132,000,000 as proposed by the House and Senate. This amount is to be used as follows:

Bureau of Alcohol, Tobacco and Firearms:	
GREAT administration/training	$3,000,000
GREAT Program Grants	13,000,000
Customs Service:	
Narcotics detection technology	54,000,000
Passenger processing initiative	9,500,000
Canopy construction	972,000
Child Pornography investigation	1,000,000
Subtotal, Customs Service	65,472,000
Secret Service:	
Counterfeiting investigations	5,000,000
Forensic technology and assistance	2,000,000
NCMEC assistance	1,196,000
2000 campaign protection	7,732,000
Vehicle replacement	6,700,000
Subtotal, Secret Service	22,628,000
Financial Crimes Enforcement Network:	
Cyberpayment studies	800,000
Suspicious Activity Report analysis	300,000
Support for State & local GATEWAY	200,000
Money laundering regulations	100,000
Subtotal, FinCEN	1,400,000
Interagency Crime and Drug Enforcement	24,000,000
Office of National Drug Control Policy:	
Model State Drug Law Conferences	1,000,000
High Intensity Drug Trafficking Areas	1,500,000
Subtotal, ONDCP	2,500,000

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

The conferees agree to provide $3,000,000 to ATF for the management of the GREAT program as proposed by the House rather than in the ATF Salaries and Expenses appropriation as proposed by the Senate. The funding proposed by the Senate for laboratory and investigative support is funded under ATF's Salaries and Expenses appropriation.

GANG RESISTANCE EDUCATION AND TRAINING

The conferees agree to provide $13,000,000 to ATF, instead of $10,000,000 as proposed by the House and $13,239,000 as proposed by the Senate for grants to local law enforcement organizations for the Gang Resistance Education and Training (GREAT) program. The GREAT program has been enthusiastically endorsed by communities in Colorado, North Carolina and Wisconsin. The conferees direct that qualified law enforcement and prevention organizations from these areas be funded under GREAT.

The conferees are aware of concerns about the lack of a long-term evaluation of the impact of this program. Therefore, the conferees urge ATF to contract with the National Academy of Sciences, Committee on Law and Justice, to conduct an independent evaluation of the GREAT program.

CUSTOMS SERVICE

The conferees agree to provide $65,472,000, instead of $66,472,000 as proposed by the House and $54,000,000 as proposed by the Senate. Within these funds, the conferees include $54,000,000 for narcotics detection technology, $9,500,000 for passenger processing, $972,000 for canopy construction, and $1,000,000 for additional technologies associated with the child pornography cyber-smuggling initiative. The conferees agree that $2,400,000 of the Customs Salaries and Expenses account should be used for the cyber-smuggling initiative, as proposed by the Senate.

SECRET SERVICE

The conferees agree to provide $22,628,000, instead of $14,528,000 as proposed by the

House and $15,403,000 as proposed by the Senate. Within these funds, the conferees include $5,000,000 for counterfeiting investigations, $7,732,000 for campaign protection activities, $6,700,000 for vehicle replacement, and $3,196,000 for forensic and related support of investigations of missing and exploited children. Of the amounts provided for missing and exploited children, the conferees agree to provide $1,196,000 for the continued operations of the Child Exploitation Unit at the National Center for Missing and Exploited Children.

FINANCIAL CRIMES ENFORCEMENT NETWORK

The conferees agree to provide $1,400,000 for FinCEN as proposed by the Senate, instead of no funding as proposed by the House. Within these funds, the conferees include $800,000 for cyberpayment studies; $300,000 for Suspicious Activity Report analysis; $200,000 for training and support for State and local GATEWAY participation; and $100,000 for money laundering regulations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

The conferees agree to provide no VCRTF funding for FLETC as proposed by the House, instead of $1,158,000 as proposed by the Senate. The affected programs—rural law enforcement training and equipment replacement—are funded in FLETC's Salaries and Expenses appropriation.

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conferees agree to provide $24,000,000 for ICDE as proposed by the House, instead of $45,000,000 as proposed by the Senate. An additional $51,900,000 is provided in the Interagency Law Enforcement account. The total of $75,900,000 fully funds the President's request.

OFFICE OF NATIONAL DRUG CONTROL POLICY

The conferees agree to provide $2,500,000 for ONDCP, instead of $14,000,000 as proposed by the House and no funding as proposed by the Senate. $1,000,000 of this funding would cover the costs of continuing support for Model State Drug Law Conferences, as proposed by the House. $13,000,000 proposed by the House for continued funding for the technology transfer program run by the Counterdrug Technology Assessment Center will instead be funded in the ONDCP Salaries and Expenses account, as proposed by the Senate.

HIGH INTENSITY DRUG TRAFFICKING AREAS

The conferees agree to provide $1,500,000 in additional funding for the Milwaukee, Wisconsin HIDTA.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees agree to provide $71,923,000 as proposed by the House instead of $66,251,000 as proposed by the Senate, including up to $13,843,000 to be used for materials and support costs. The conferees agree to language proposed by the Senate to permit funding for travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center. The conferees also agree to maintain existing statutory language affecting the authority to provide funding for student athletics and student interns, as proposed by the Senate.

GREAT TRAINING

The conferees agree to include new language, as proposed by the Senate, to authorize the Center to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with ATF.

FIREARMS TRAINING SYSTEMS

The conferees direct the Federal Law Enforcement Training Center, in consultation with their interested client law enforcement agencies, to examine and evaluate all available firearms training technologies for systems providing the greatest cost effective multi-application benefit for firearms training of law enforcement personnel. The conferees are aware of current technologies, such as the BEAMHIT targeting system and plastic cased ammunition, which appear to offer cost benefits and systems flexibility for multiple training activities and greater sensitivity for environmental protection.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $34,760,000, instead of $28,360,000 as proposed by the House and $15,360,000 as proposed by the Senate. This amount includes $6,400,000 for construction of new facilities at Artesia, New Mexico, required to meet the Center's basic training requirements.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conferees agree to provide $51,900,000 for ICDE as proposed by the House. An additional $24,000,000 is provided in the Violent Crime Reduction Programs account. The total of $75,900,000 fully funds the President's request.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

The conference agreement appropriates $196,490,000 for the Financial Management Service (FMS) as proposed by the Senate instead of $198,510,000 as proposed by the House.

The conferees have agreed with the proposal of the Senate on the funding level for the FMS, which reflects a reduction of $6,000,000 for Year 2000 conversion costs which will be available for FMS from a separate appropriation. The conferees received conflicting information from the Department of the Treasury about what the FMS's needs are for this purpose. Therefore, the conferees have assumed the higher number. The conferees understand and fully appreciate the need for FMS equipment to be Year 2000 compliant and note that the Department does have authority to transfer funding to FMS from other accounts within the Department under Section 114 of this Act should that become necessary.

The conference agreement deletes language proposed by the Senate delaying the availability of $4,500,000 for postage costs until September 30, 1999, and language proposed by the Senate stating that funds shall continue to be provided to the United States Postal Service for postage due.

DEBT COLLECTION IMPROVEMENT ACCOUNT

The conferees have agreed to delete funding for the Debt Collection Improvement Account proposed by the Senate. The House bill contained no similar provision.

FEDERAL FINANCING BANK

The conference agreement provides $3,317,960,000 for the liquidation of debts by the Federal Financing Bank instead of $3,317,690,000 as proposed by the Senate. The House bill contained no similar provision.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

The conferees agree to provide $541,574,000, instead of $530,624,000 as proposed by the House and $529,489,000 as proposed by the Senate. This includes $2,000,000 for the Violent Crime Coordinators program and $4,500,000 for expansion of the National Tracing Center, as proposed by the Senate. The conferees agree that $2,206,000 of this funding will not be available for obligation until September 30, 1999, as proposed by the House.

The conferees are aware that additional funds in the amount of $5,000,000 are required in fiscal year 1999 for Year 2000 compliance.

The conferees agree to increase the limit for purchase of police-type vehicles to 812, as proposed by the House. The conferees direct the Under Secretary for Enforcement to exercise strong oversight with regard to any additional purchases in keeping with Department-wide efforts (addressed under Departmental Offices, above) to manage the use, allocation and acquisition of law enforcement vehicles. While neither the House nor Senate provided funding for this purpose, the conferees agree to provide $3,700,000 for vehicle replacement as the Administration had requested.

The conferees agree to authorize up to $15,000 for official reception and representation expenses, instead of $20,000 as proposed by the House and $12,500 proposed by the Senate.

The conferees agree to retain the limitation of $1,000,000 in authority to fund the equipping of vessels, vehicles or aircraft available for official use by a State or local law enforcement agency for use in joint law enforcement operations with ATF and for the payment of overtime salaries, travel, fuel and other costs for State and local law enforcement personnel, including sworn officers and support personnel, as proposed by the House. The conferees note that, while this maintains a limitation, unlike the Senate proposal, it allows such funding to be used for law enforcement operations other than drug-related ones, and clarifies that it encompasses support personnel as well as sworn law enforcement officers.

The conferees agree that per diem and/or subsistence allowances may be paid to employees for extensive overtime required when an employee is assigned to a National Response Team during the investigation of a bombing or arson incident, as proposed by the Senate, rather than simply for a major investigative assignment, as proposed by the House.

YOUTH CRIME GUN INTERDICTION INITIATIVE

The conferees strongly support ATF's efforts to stop illegal trafficking of crime weapons to young people and its statistical analysis in ''The Crime Gun Trace Analysis Reports: The Illegal Youth Firearms Markets in 17 Communities'', published in July 1997. However, the conferees believe that the proposed increase in funding must be supported by evidence of a significant reduction in youth crime, gun trafficking and availability. The conferees would like to see additional evidence linking the Youth Crime Gun Interdiction Initiative (YCGII) to a corresponding decrease in gun trafficking among youths and minors. Therefore, the conferees direct ATF to report no later than February 1, 1999, on the performance of YCGII.

The conferees further believe that an investment in experienced trafficking agents to conduct investigations arising out of leads obtained through this regional initiative is likely to have a significant impact on the number of prosecutions for illegal firearms trafficking. As a result, the conferees direct that, of the $27,000,000 to be provided for YCGII efforts, $16,000,000 be used to hire 81 experienced trafficking agents to expand the YCGII efforts in the 27 pilot cities. As part of the expansion, the conferees recommend that not less than $2,400,000 be used for the addition of 12 experienced trafficking agents, including 3 in Milwaukee, Wisconsin, to implement a multifaceted regional enforcement strategy within the Midwest region. The conferees request that ATF give strong consideration to Aurora, CO, Denver, CO, and Omaha, NE, as it determines new locations for YCGII.

CEASEFIRE

The conferees agree to provide $2,000,000 for continued expansion of the CEASEFIRE/IBIS

program, and expect that this will be used to meet requests for new equipment and related installation costs. The conferees also direct the Secretary of the Treasury to provide $4,000,000 to ATF from the Treasury Forfeiture Fund to allow ATF to provide CEASEFIRE technology to eligible State and local law enforcement organizations who have requested this equipment.

COLLECTION AND MAINTENANCE OF FEDERAL FIREARMS LICENSEE RECORDS

The conferees agree that there does not appear to be a written policy regarding the collection and maintenance of records on the acquisition and disposition of firearms by Federal firearms licensees for use in criminal or civil enforcement or firearms trace systems, in particular with regard to the length of time such records are kept. Therefore, the conferees direct ATF to develop such a written policy and provide a copy of that written policy to the Committees on Appropriations no later than March 31, 1999. This is in lieu of the direction by the House to provide the House Committee with a report on efforts to improve its practices within 90 days after enactment of this bill.

CONTRABAND CIGARETTES

The conferees direct ATF to continue to fully fund its investigations of diversion and trafficking of contraband cigarettes, particularly on Indian lands. The conferees are pleased to see that recent investigations have borne fruit in a number of arrests in Oklahoma and Kansas. The conferees understand that the current investigation in Oklahoma and Kansas is estimated to cost up to $2,000,000 and that nationwide investigation will cost approximately $8,000,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $1,642,565,000 instead of $1,638,065,000 as proposed by the House and $1,630,273,000 as proposed by the Senate. $9,500,000 is delayed for obligation, instead of the delays proposed by the House and the Senate.

The conferees agree to restrict purchase of vehicles to 550 for replacement only, as proposed by the House, rather than 985, as proposed by the Senate. The conferees direct the Under Secretary for Enforcement to exercise strong oversight over any purchases of new vehicles in keeping with Department-wide efforts (addressed under Departmental Offices, above) to manage the use, allocation and acquisition of law enforcement vehicles. The conferees also agree that $500,000 of the appropriation should be used to fund expansion of services at the Vermont World Trade Office, as proposed by the Senate. The conferees also agree to increase the limitation on representation funding to $40,000, instead of $30,000 as proposed by the House and Senate.

The conferees agree to provide $2,500,000 to remain available until expended for the costs of relocation of the New Orleans Air Branch from Belle Chase, Louisiana, to Hammond, Louisiana.

CUSTOMS INTEGRITY AWARENESS PROGRAM

The conferees agree to provide $6,000,000 to the Customs Service, fully funding the new Customs Integrity Awareness Program (CIAP), as proposed by the House, instead of $4,200,000 as proposed by the Senate. The conferees direct the Secretary of the Treasury to be fully engaged in CIAP, providing necessary oversight and assistance to the Customs Service Office of Internal Affairs in order to achieve program goals.

CHILD PORNOGRAPHY

The conferees strongly support Customs leadership in stopping the vile traffic in child pornography and are pleased with its recent successful takedown of a major international pornography organization. To continue this success, the conferees agree to set aside $2,400,000 of the Customs appropriation to double the staffing and resources for the child pornography cyber-smuggling initiative, as proposed by the Senate, instead of the $2,000,000 proposed by the House to be funded through the Violent Crime Reduction Trust Fund. In addition, the conferees agree to include $1,000,000 in the Violent Crime Reduction Trust Fund for technology support for this initiative.

CUSTOMS INSPECTION SERVICES FOR INTERNATIONAL AIR CARGO

The conferees are concerned about the availability of Customs Service personnel to provide inspection services for airports that are seeing increased traffic or project such increases as part of regional development patterns. In many locations Customs has been asked to initiate or expand the level and availability of such services. The conferees understand that decisions to allocate inspection personnel must be based on availability of staff and funding, and should also be a function of the level of current or expected traffic, as well as concerns about enforcing trade laws and countering smuggling threats. At the same time, the conferees recognize that some airports, such as Dulles International Airport, Miami International Airport, and Fort Lauderdale International Airport, are experiencing growth and may have good cases for initiating or increasing cargo traffic operations, which are dependent on the availability of specific Customs inspection services. The conferees therefore urge the Customs Service, as it undertakes to establish a comprehensive model for assessing and allocating its inspection and investigative staff, to work closely with the airport authorities and the trade community to ensure that it will meet requirements for new and expanded service. The aim of such a process should be allocation of staff and resources that is in the best interest of regional economic interests, trade, and the mission of the Customs Service.

OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

The conferees agree to provide $113,688,000, instead of $100,688,000 as proposed by the House and $113,488,000 as proposed by the Senate. No funding for this account would be delayed, as had been proposed by the Senate, and there is no earmark for activities in South Florida and the Caribbean, as had been proposed by the Senate. This number includes an additional $1,000,000 for increased support for operations and upgrades for equipment for the marine enforcement program and $14,200,000 for Black Hawk helicopter program support.

BLACK HAWK HELICOPTERS

The conferees have included $14,200,000 to restore three off line Black Hawk helicopters to an operational readiness condition and provide for increased operation and maintenance requirements for Customs' helicopter component. The conferees understand that this funding will permit Customs to increase Black Hawk flying hours from 18 to 30 hours per month. The conferees direct the Customs Service to maximize the mission operability of all sixteen Black Hawk helicopters assigned to the Air Interdiction Program.

CUSTOMS MARINE PROGRAM

The conferees include an additional $1,000,000 to augment the $5,200,000 requested for the marine program.

CUSTOMS AIR AND MARINE INTERDICTION PROGRAMS

The conferees continue to be impressed with the successes associated with the Customs Air and Marine Interdiction programs and are aware of the growing operational commitments associated with this success. The conferees encourage the Customs Service to examine the benefits of a consolidated air maintenance system and take actions to improve operational coordination of its air assets to meet our national drug enforcement priorities. The conferees, in the interest of maintaining viable and effective air and marine interdiction programs, direct the Customs Service to develop two comprehensive modernization plans for the air interdiction and marine enforcement programs, respectively. These plans shall be submitted with the President's fiscal year 2000 budget and should include the projected lifespans and project a replacement schedule, as well as the current status, of each aircraft or vessel; associated operations and maintenance activities for these craft; and any costs for fleet extension or modernization. These modernization plans should be living documents that the Customs Service continually re-evaluates and utilizes in its effort to maximize its operational effectiveness.

SPECIAL OPERATIONS

The conferees agree that the special operations requirements of the Customs Service Air and Marine Interdiction Programs demand special tactical and logistical operations considerations due to the high threat nature of these activities. The conferees direct the Customs Service to review its utilization of these special operations assets with the goal of improving management, coordination, training and utilization of equipment and personnel. The Customs Service should consider all options to achieve the greatest efficiency and productivity for our coastal and border interdiction efforts.

BUREAU OF ENGRAVING AND PRINTING

DOLLAR BILL REDESIGN

To combat international counterfeiting threats to the United States, the Department of the Treasury is continuing to redesign Federal Reserve Notes. By the end of 1999, newly designed $100, $50, and $20 Federal Reserve Notes will be in circulation.

The conferees remain concerned about the cost associated with producing special anti-counterfeiting properties for the estimated 6 billion circulating $1 Federal Reserve Notes. As a result, the conferees do not believe the Bureau of Engraving and Printing should undertake cost prohibitive anti-counterfeiting changes to the $1 note. However, the conferees do believe it is important to update the currency, such as making minor modifications to assist the visually impaired.

Therefore, the conferees direct the Department of the Treasury and the Bureau of Engraving and Printing not to pursue redesign of the $1 Federal Reserve Note to combat international counterfeiting threats, but to only make minor design enhancements to the $1 note for the visually impaired and elderly population, provided it has no effect on the use of $1 Federal Reserve Notes with existing bill accepting machinery.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

The conference agreement appropriates $172,100,000 for the Bureau of the Public Debt as proposed by the House and the Senate.

The conference agreement also provides that $2,000,000 of the funds provided shall be available until September 30, 2001, for information systems modernization initiatives as proposed by the House instead of $1,000,000 as proposed by the Senate.

The conferees are aware that additional funds in the amount of $1,000,000 are required in fiscal year 1999 for Year 2000 compliance.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

The conference agreement appropriates $3,086,208,000 for Processing, Assistance, and Management instead of $3,025,013,000 as proposed by the House and $3,077,353,000 as proposed by the Senate. The amount provided includes $90,650,000 for mandatory cost increases and $70,279,000 for base realignments from the Tax Law Enforcement account. The conferees have agreed not to transfer funding for the TIMIS personnel/payroll system from the Information Systems appropriation to this account as proposed by the Senate.

The budget request for Processing, Assistance, and Management included $58,325,000 for customer service initiatives. Funding for these initiatives has been included in the Information Systems account as proposed by the House. The Senate had proposed to provide $18,145,000 for customer service initiatives in this account.

The conferees want to express strong support for the Commissioner's proposal for organizational modernization. The recently enacted Internal Revenue Service Restructuring and Reform Act of 1998 will allow the Commissioner to make significant operational improvements through organizational modernization and reorganization. Therefore, the conference agreement also includes $25,000,000 for organizational modernization and restructuring of the Internal Revenue Service, the total amount requested by the Administration for that purpose. However, because the restructuring legislation has only recently been enacted and the Commissioner has not yet been able to provide a detailed plan and cost estimate for the restructuring effort, the conferees have included language in the bill which delays these funds for obligation until September 30, 1999.

The conferees have also provided $2,000,000 for low income taxpayer clinics. These funds will be used to award matching grants to develop, expand, or continue qualifying low income taxpayer clinics as authorized in Section 3601 of the Internal Revenue Service Restructuring and Reform Act of 1998.

The conference agreement includes language proposed by the Senate delaying the availability of $105,000,000 for postage costs until September 30, 1999, and language proposed by the Senate stating that funds shall continue to be provided to the United States Postal Service for postage due.

TAXPAYER EDUCATION

The conferees agree that the Internal Revenue Service needs to be more proactive in educating our citizens. Therefore, the conferees believe that the IRS should consider the feasibility of a taxpayer education initiative which encourages IRS employees to visit schools to talk about the history of our tax system as well as taxpayer rights and responsibilities. Further, the conferees believe that the IRS should provide no less than $750,000 to create an educational program, such as the project currently under development at the University of Florida, covering matters of current interest to those involved in administering, advising, teaching, and studying the technical aspects of Federal taxation. Therefore, the conferees request that the IRS provide an analysis of these proposals, and steps they would take to implement these proposals, to the Committees on Appropriations by March 1, 1999.

TAX LAW ENFORCEMENT

The conference agreement appropriates $3,164,189,000 for Tax Law Enforcement as proposed by the House instead of $3,164,399,000 as proposed by the Senate. The conference agreement does not delay the availability of $175,000,000 of the funds appropriated until September 30, 1999, proposed by the Senate.

The budget request included $2,645,000 for customer service initiatives. Funding for these initiatives has been included in the Information Systems account as proposed by the House. The Senate had proposed to fund $210,000 for customer service initiatives in this account.

TAX STANDARDS FOR TAX-EXEMPT HEALTH CLUBS

The conferees are aware that there has been significant growth in health club and fitness services. Intensified competition has developed a market for for-profit and tax-exempt health clubs. With certain tax-exempt organizations moving away from their core purpose, questions arise as to whether they are engaging in commercial competition with the for-profit sector. The conferees understand that the IRS has developed appropriate standards based on broad community accessibility for determining whether fitness activities are substantially related to the charitable mission of community organizations, such as YMCAs, YWCAs, and JCCs, organizations with a variety of programs based on community needs, including health and fitness for people of all ages, incomes, and abilities. Accordingly, changes in the standards that apply to such organizations are not the conferees' concern. Rather, the conferees direct that the IRS review the standards it applies to fitness activities operated by educational and health-care organizations. The conferees further request that the Department of the Treasury report to Congress by April 1, 1999, on the statutory and regulatory changes that may be needed to assure that the health and fitness activities of these organizations substantially further the purposes for which the organization was granted tax exemption and do not constitute unfair competition with private sector, taxable organizations.

TRANSFER PRICING

The conferees are concerned about the Nation's loss of revenue as a result of foreign corporations employing transfer pricing. Transfer pricing, utilized by State Trading Enterprises, reallocates items of income and deduction among entities under common control. Reallocation of the income and deduction results in minimizing the U.S. tax of foreign corporations' U.S. affiliates. Since the foreign parent corporations do not normally do business in the United States, their income is completely free from U.S. tax.

To ensure the Internal Revenue Service is vigorously administering section 482 of the Internal Revenue Code, which empowers the Secretary of the Treasury to distribute, apportion, and allocate items of gross income and deduction between the parent corporations and their U.S. affiliates, the conferees direct the Internal Revenue Service to review and report to Congress, no later than six months after enactment of this Act, on the following issues: IRS's loss of revenue as a result of transfer pricing; detailed information on IRS's administration of section 482 to distribute, apportion, and allocate items of gross income and deduction; and recommendations on how to improve the collection of revenue from trading enterprises.

INFORMATION SYSTEMS

The conference agreement appropriates $1,265,456,000 for Information Systems instead of $1,224,032,000 as proposed by the House and $1,329,486,000 as proposed by the Senate. The amount provided includes $43,939,000 for mandatory cost increases; however, the conferees have agreed not to transfer funding for the TIMIS personnel/payroll system from this appropriation to the Processing, Assistance, and Management account. In addition, the conference agreement includes an increase of $32,900,000 for operational information systems as proposed by the House and the Senate and $68,700,000 for the modernization program infrastructure as proposed by the Senate instead of $34,350,000 as proposed by the House.

The conferees have agreed to include language in the bill which provides that $103,000,000 of the funds appropriated in this account shall only be available for improvements to customer service. This is the full amount requested by the Administration for customer service initiatives within the Internal Revenue Service.

The conferees are aware that additional funds in the amount of $359,000,000 are required in fiscal year 1999 for Year 2000 compliance. Included in that total is: $8,700,000 for the submissions processing investment program, $4,000,000 for compliance research information systems, $33,300,000 for examination laptop computers, $60,700,000 to complete the rollout of the Integrated Collection System, $4,300,000 for the Inventory Delivery System, and $14,000,000 for the Integrated Personnel System.

The conference agreement deletes language proposed by the Senate which delayed the availability of $68,700,000 of the funds appropriated until September 30, 1999.

INFORMATION TECHNOLOGY INVESTMENTS

The conference agreement appropriates $211,000,000 for Information Technology Investments instead of $210,000,000 as proposed by the House and $137,569,000 as proposed by the Senate. These funds are not available for obligation until September 30, 1999. The conference agreement also provides that the funds shall remain available until September 30, 2002, as proposed by the Senate instead of remaining available until expended as proposed by the House.

The conference agreement includes language proposed by the House which specifies the contents of an expenditure plan that the Internal Revenue Service and the Department of the Treasury are required to submit before the funds appropriated may be obligated.

The conferees are concerned that the IRS's efforts to modernize its information systems could divert its attention from the more pressing matter of assuring that all of its existing systems will be Year 2000 compliant. The conferees expect that IRS will continue to view Year 2000 compliance as its highest priority and direct that the IRS not divert any resources from its Year 2000 efforts to the information systems modernization program.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Section 101. The conference agreement includes a provision proposed by the House and the Senate which allows the transfer of 5 percent of any appropriation made available to the IRS to any other IRS appropriation subject to Congressional approval.

Section 102. The conference agreement includes a provision proposed by the House and the Senate which requires the IRS to maintain a training program in taxpayer's rights, dealing courteously with taxpayers, and cross cultural relations.

Section 103. The conference agreement includes a provision proposed by the House and the Senate which requires the IRS to maintain taxpayer services at not less than fiscal year 1995 levels.

Section 104. The conference agreement includes a provision proposed by the House and the Senate which prohibits the expenditure of funds for the collection of taxes unless the conduct of officers and employees of the IRS complies with the Fair Debt Collection Practices Act.

Section 105. The conference agreement includes a provision proposed by the House and the Senate which requires the IRS to institute policies and practices which will safeguard the confidentiality of taxpayer information.

Section 106. The conference agreement includes a provision proposed by the House and the Senate which directs that funds shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line telephone assistance.

Section 107. The conference agreement includes a provision proposed by the Senate which provides that no reorganization of the field office structure of the Internal Revenue Service Criminal Investigation Division will result in a reduction in the number of criminal investigators in Wisconsin and South Dakota from the 1996 level.

The conference agreement deletes a Sense of the Senate provision regarding the use of random selection of returns for examination by the Internal Revenue Service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $600,302,000 instead of $594,657,000 as proposed by the House and $584,902,000 as proposed by the Senate. This includes an additional $18,000,000 for the costs of protective travel. The conferees agree that $1,623,000 required for fixed site security will be included in the Acquisition, Construction, Improvement, and Related Expenses account, as proposed by the Senate. The conferees also agree that the limitation for new vehicle purchases shall be 739, as proposed by the House, rather than 705, as proposed by the Senate. The conferees direct the Under Secretary for Enforcement to exercise strong oversight over any purchases of new vehicles in keeping with Department-wide efforts (addressed under Departmental Offices, above) to manage the use, allocation and acquisition of law enforcement vehicles. The conferees agree that $5,000,000 shall not be available for obligation until September 30, 1999.

The conferees are aware that additional funds in the amount of $3,000,000 are required in fiscal year 1999 for Year 2000 compliance.

PROTECTIVE TRAVEL

The conferees continue to be concerned about shortfalls in the United States Secret Service protective travel activity. Therefore the conferees direct the Service to develop an accurate financial plan for predicting protective travel needs, and report regularly to the Committees on Appropriations on their progress. As part of the financial plan the conferees expect the funds for this activity will be apportioned separately. The Service should consult with the Office of Management and Budget about the level of detail required in the financial plan. The conferees agree to provide additional funding of $18,000,000 for protective travel, which is made available for two fiscal years.

ARMORED PRIMARY LIMOUSINES

The conferees understand the need to provide the President of the United States safe and secure ground transportation both locally and around the world. The conferees are, however, concerned with the Secret Service's projected cost to acquire primary limousines for this purpose. As a result, the conferees direct the Secret Service to report to the Committees on Appropriations on the major differences and costs between the proposed project and armored vehicles previously acquired by the Service prior to the obligation of funds for this project.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

The conferees agree to provide $8,068,000 as proposed by the Senate, instead of $6,445,000 as proposed by the House, which includes $1,623,000 for fixed site security.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

Section 110. The conference agreement includes a provision which requires the Secretary of the Treasury to comply with certain reprogramming guidelines when obligating or expending funds for law enforcement activities from unobligated balances available on September 30, 1999, as proposed by the Senate instead of September 30, 1998, as proposed by the House.

Section 111. The conference agreement includes a provision proposed by the House and the Senate which allows the Department of the Treasury to purchase uniforms, insurance, and motor vehicles without regard to the general purchase price limitation, and enter into contracts with the State Department for health and medical services for Treasury employees in overseas locations.

Section 112. The conference agreement includes a provision proposed by the House and the Senate which requires the expenditure of funds so as not to diminish efforts under section 105 of the Federal Alcohol Administration Act.

Section 113. The conference agreement includes a provision proposed by the House and the Senate which authorizes transfers, up to 2 percent, between law enforcement appropriations under certain circumstances.

Section 114. The conference agreement includes a provision proposed by the House and the Senate which authorizes transfers, up to 2 percent, between the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt appropriations under certain circumstances.

Section 115. The conference agreement includes a provision proposed by the Senate which amends 18 U.S.C. 921(a) by broadening the definition of explosives and redefining the term ''antique firearm.''

Section 116. The conference agreement includes a provision regarding the purchase of law enforcement vehicles.

Section 117. The conferees have agreed to the provision contained in Section 117 of the Senate bill regarding the execution of property upon judgements against foreign state violators of international law. The conferees have included additional language giving the President the authority to waive the requirements of this provision in the interest of national security.

ELECTRONIC FILING

The conferees have agreed to delete language requested by the Administration and contained in Section 115 of the House and Senate bills regarding the electronic filing of tax returns since this matter has been addressed in a comprehensive fashion in the Internal Revenue Service Restructuring and Reform Act of 1998. In undertaking any electronic tax administration programs, the conferees expect the Internal Revenue Service to assure the security of all electronic transmissions and provide for the full protection of the privacy of taxpayer data.

CURRENCY PAPER

The House and Senate passed bills each contained a provision (Section 116 of both bills) regarding the acquisition of currency paper by the Bureau of Engraving and Printing. The conferees have agreed to include no language in the bill regarding this issue. The conferees are aware of attempts made by the Bureau of Engraving and Printing (BEP) to address concerns regarding the need to make it easier for all United States paper companies to compete for currency paper contracts. However, the conferees expect the BEP to continue to enhance the process for procuring currency paper to the extent permitted under Federal law. In carrying out its currency paper procurement responsibilities, the conferees expect BEP to secure the best overall value for the government, giving equal consideration to all cost factors. Based on the General Accounting Office's (GAO) inability to reach any concrete conclusions with respect to competition and pricing, the conferees understand this issue is very complicated and, therefore, direct the Department of the Treasury and the Bureau of Engraving and Printing to report to the Committees on Appropriations how they plan to address GAO's recommendations to the Secretary of the Treasury. Further, it is the conferees' understanding that the authorizing committees in both the House and Senate will closely examine the GAO report, hold hearings on this matter, and develop legislation, if necessary, to ensure that the Federal government will have adequate competition and fair pricing.

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

The conferees agree to provide $71,195,000 as proposed by the House and the Senate. The conferees defer the obligation of these funds until October 1, 1999, as proposed by the Senate.

NON-POSTAL COMMERCIAL ACTIVITIES

The conferees are aware that the Postal Service is initiating a wide range of new commercial activities. These activities include, but are not limited to, volume retail photocopying, packaging services, bankwire services, the sale of office supplies and novelty items, and new e-commerce or Internet related technologies.

The conferees recognize the Postal Service's need to generate new sources of revenue to offset its operating costs. However, many of the Postal Service's new commercial activities may result in unfair competition with a number of private sector enterprises, thus raising significant policy issues about the Postal Service's present and future commercial role.

Therefore, the conferees request the Postal Service submit, within 6 months of enactment of this Act, a report on its ongoing and planned commercial services, including policy justifications, the costs of development and implementation, revenues earned, and revenues lost. As part of the report, the conferees are interested in packaging services (''Pack and Send'') and specifically direct the Postal Service to describe how packaging services will meet ''customer demand'' in all geographic regions, especially rural areas, before such service is initiated. The conferees believe these issues deserve consideration by the authorizing committees.

AVONDALE-GOODYEAR, ARIZONA

The conferees urge the Postal Service, before awarding any contract to purchase or lease property for the Main Post Office in Avondale-Goodyear, Arizona, to do an analysis of the population presently in this area to be used in assisting the Postal Service in making a selection which will be most accessible for the current and future population of the area. The Postal Service shall report to the Committees prior to awarding any contract for sale or lease, but in no event later than October 14, 1998.

GILPIN COUNTY, COLORADO

The conferees urge the Postal Service to seriously consider providing a separate ZIP Code for Gilpin County, Colorado.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

The conferees agree to provide $52,344,000 for White House Office Salaries and Expenses, as proposed by the House and the Senate. The conferees provide $10,100,000 for reimbursements to the White House Communications Agency as a specific line item, as proposed by the House.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

The conferees provide $8,061,000, as proposed by the House instead of $8,691,000, as proposed by the Senate and prohibit the use of these funds for domestic staff overtime. As a separate provision, the conferees include $630,000 for domestic staff overtime and make these funds available upon the Comptroller General notifying the Committees that the Executive Office of the President (EOP) has received, reviewed and commented on the draft report of the General Accounting Office (GAO) with respect to Executive Residence operations and that the GAO is in receipt of the EOP's comments.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

The conferees agree to provide $28,350,000 for the Office of Administration as proposed by the House instead of $29,140,000 as proposed by the Senate.

The conferees are aware that additional funds of $12,200,000 for Year 2000 compliance within the Executive Office of the President are required for fiscal year 1999.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

The conferees agree to provide $60,617,000 for the Office of Management and Budget as proposed by the Senate instead of $59,017,000 as proposed by the House. The conferees agree to delete the earmark and the fence on the use of funds for the Office of Information and Regulatory Affairs, as proposed by the Senate, and include two provisos regarding the review of transcripts of the Committees on Veterans' Affairs and agricultural marketing orders, as proposed by the House. The conferees have included new language to amend Section .36 of OMB Circular A–110 to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act.

Including technical modifications, the conferees agree to include bill language requiring OMB to report on government wide paperwork reduction and the implementation of the Congressional Review Act, as proposed by the Senate.

PERFORMANCE OF STATUTORY RESPONSIBILITIES

The conferees have agreed to delete the earmark of $5,229,000 for the Office of Information and Regulatory Affairs (OIRA) and a fence of $1,200,000 for OIRA. The conferees have been assured that OMB will strictly adhere to the statutory requirements included in the bill on Paperwork Reduction and the Congressional Review Act. The conferees will monitor OMB's compliance with these requirements carefully.

FEDERAL EMPLOYEES' PAY COMPARABILITY ACT

The conferees question the validity of the Administration's use of the ''serious economic conditions'' exception in the Federal Employees' Pay Comparability Act (FEPCA) to put forth an alternative pay plan for 1999. Press reports have indicated that members of the Administration may have concerns regarding the pay setting methodology established by FEPCA. In an effort to see that FEPCA is either fully implemented or perfected, the conferees direct the President's Pay Agent to provide the Committees with any pay setting methodology concerns it has with regard to FEPCA by May 1, 1999.

CENTURY DATE CONVERSION

The conferees remain concerned that with little more than a year to go before the new millennium, many critical government information systems are still in jeopardy of not meeting the January 1, 2000, deadline for date conversion. The conferees further believe that the Administration has failed to adequately champion the Y2K issue, not only to its own departments, but has also not provided the critical national leadership and coordination to our local, state and international partners in both the public and private sectors. Information systems experts have reported that the Y2K fix is rooted in management and oversight, not in the lack of technology available to address the problem. Unfortunately, valuable time has been lost waiting for management to embrace the magnitude and consequences of this issue. Only recently, has organizational management finally recognized the potential for shut down of critical information systems associated with entitlement payments, revenue collection, air traffic control, defense systems, telecommunications, mass transit, supply inventories, elevator function, medical equipment, to mention a few. Many agencies at all levels of government still do not have a complete grasp of the problem and are now at the greatest risk for systems failure.

The conferees direct the Administration to focus all of its attention and resources on the management and oversight of the most critical date sensitive information and infrastructure systems, prioritizing systems renovations, repair and replacement to those that can meet the January 1, 2000, deadline. The conferees further direct the Administration to accelerate the development of contingency plans for those critical systems that cannot meet the Y2K deadline, in order to maintain functional systems operations, until patent date conversion repairs can be completed.

The conferees strongly encourage the new Y2K Czar to take a high profile national leadership position, to aggressively promote century date change awareness for both information technology systems and sensitive infrastructure applications. The Y2K Czar should monitor, coordinate and provide oversight over the progress of all government-wide century date change conversion initiatives, with the primary goal of maintaining critical systems operations into the new millennium. Finally, the Y2K Czar should have Administration standing to directly access and take control of any critical agency system that is in jeopardy of not meeting the January 1, 2000, deadline because of ineffective management action.

OMB is directed to include in its quarterly Y2K report submissions an assessment of those critical information systems that will not meet the Y2K deadline and the problems that can be anticipated. In addition, the report should include the status of operational contingency plans for those systems identified as being in jeopardy.

VIOLENT CRIME REDUCTION PROGRAMS

The conferees expect the President's budget submissions for the Department of the Treasury's funding from the Violent Crime Reduction Trust Fund be reflected for the Department as a whole and not separately within each bureau's request.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

The conferees agree to provide $48,042,000 for the Office of National Drug Control Policy (ONDCP) as proposed by the Senate, instead of $36,442,000 as proposed by the House. This includes $13,000,000 to continue the technology transfer pilot program managed by the Counterdrug Technology Assessment Center (CTAC). It also includes $17,942,000 for ONDCP operations, as proposed by the Senate, $16,000,000 for the basic CTAC program, and $1,100,000 for policy research of which $100,000 is to be used for evaluating the Drug-Free Communities Act, as proposed by the Senate. The conferees agree to modify language governing the authority of ONDCP to accept and use gifts.

The conference agreement separately funds $1,000,000 for Model State Drug Law Conferences through the Violent Crime Reduction Trust Fund.

ONDCP STAFFING

The conferees are concerned about requests by ONDCP to reprogram monies from the Salaries and Expenses account to fund other initiatives. The conferees in the past have fully supported and funded the full time equivalent staffing level requested by ONDCP and are concerned that ONDCP is not filling those vacancies but is instead requesting to use those funds for other purposes. The conferees believe that ONDCP needs to maintain its staffing at the authorized level in order to maximize the agency's effectiveness. The conferees therefore direct ONDCP to review its staffing requirements and report back to the Committees on Appropriations by December 15, 1998, on the steps it is taking to fill the vacancies or, if not, what changes it is making in its staffing plan.

PERFORMANCE MEASURES OF EFFECTIVENESS

The conferees strongly urge ONDCP to work within the Administration to ensure that the Performance Measures of Effectiveness (PMEs) it developed are embraced and employed by all federal agencies for future budgetary and planning work. The conferees direct ONDCP to apply the same standard to its own internal management and organization, and to include such measures with each new budget submission.

RESEARCH AND ANALYSIS INITIATIVES

The conferees recognize that ONDCP has proposed some initiatives for research that, owing to lack of resources, cannot be funded in this appropriation. Nonetheless, the conferees strongly urge ONDCP to continue to press through its interagency leadership to coordinate research in such areas as improving R&D coordination, developing a government-wide intelligence architecture, and mapping out drug trafficking flows.

PROTECTIVE SECURITY ASSESSMENT

The conferees have included a new general provision, Section 643, as proposed by the Senate which directs the U.S. Marshals Service to conduct a threat assessment on the Director of the Office of National Drug Control Policy on a quarterly basis. The level of security is to be provided to ONDCP on a reimbursable basis by the U.S. Marshals Service and will be based on this quarterly threat assessment.

RURAL DRUG CONFERENCES

The conferees are concerned about the spread of drugs and drug-related crimes to rural areas and whether or not rural law enforcement can sufficiently address these new trends. Therefore, the conferees encourage the Director to consider convening a national conference on rural drug crime, to include regional conferences in rural areas, such as Luna County, NM, and similar counties in Colorado, in order to assess the needs of rural law enforcement and the impact that drug-related crimes have on rural communities as they cope with these issues.

The conferees believe that ONDCP can combine its knowledge and experience working with larger communities in this area and translate effective drug fighting practices to rural law enforcement, while taking into consideration their unique needs. Should ONDCP convene this event, the conference is requested to report to the Committees on Appropriations and the Director of ONDCP on its findings.

SHOUT

The conferees have provided $50,000 to continue the work of SHOUT, an outreach organization that works with minors, as defined by 21 CFR 897.14. This early intervention program focuses on shaping the attitudes of minors in order to discourage the use of illegal substances.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

The conferees expect the multiagency research and development programs to be coordinated by the Counterdrug Technology Assessment Center (CTAC) in order to prevent duplication of effort and to assure that, whenever possible, those efforts provide capabilities that transcend the need of any single Federal agency. Prior to obligation of these funds, the conferees expect to be notified by the chief scientist on how these funds will be spent. The conferees also expect to receive periodic reports from the chief scientist on the priority counterdrug enforcement research and development requirements identified by the Center and on the status of projects funded by CTAC.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

The conferees provide $182,477,000, instead of $162,007,000 as proposed by the House and $183,977,000 as proposed by the Senate. The conferees agree to fund all existing High Intensity Drug Trafficking Areas (HIDTAs) at the fiscal year 1998 level. This funding level shall be based on direct fiscal year 1998 appropriations for HIDTAs contained in the HIDTA and Violent Crime Reduction Trust Fund accounts. The conferees also agree that not less than fifty-one percent of this amount shall be transferred to State and local entities for drug control activities.

Within the amount appropriated, the conferees include $20,477,000 to supplement or expand existing HIDTAs, or provide for the creation of new HIDTAs. The conferees have been informed that unmet needs for funding exist in: the Arizona HIDTA for completion of an intelligence center and unmet programmatic needs for methamphetamine and border initiatives; the New Mexico HIDTA for unmet programmatic needs; the Southwest HIDTA for its wiretapping initiative; the Cascade HIDTA for unmet programmatic needs; the expansion of the Midwest HIDTA to include the State of North Dakota; the Rocky Mountain HIDTA for expansion of its methamphetamine initiative; the Chicago HIDTA for unmet programmatic needs; and the Central Florida HIDTA for unmet programmatic needs. Additionally, the conferees are aware of interest in the designation of new HIDTAs in the New England states, East Texas, Ohio, and Hawaii.

While the conferees are obviously supportive of the HIDTA program, it is critical to the continued support and the health of all HIDTAs and the program in general that decisions about funding be founded on clear, concrete measures of performance. The conferees also believe that ONDCP must have the flexibility to allocate resources to those HIDTAs that will have the greatest impact on our drug problems. In making these decisions, ONDCP must focus on the performance of HIDTAs, existing or proposed, and their significant impact on drug trafficking, use, and associated crime. This means that ONDCP must assess which HIDTAs are the top performers and document the factors it uses to make this determination. At the same time, ONDCP must determine where the impact will be greatest based on the combined effect of HIDTA performance and the nature and severity of drug problems that exist in the areas where HIDTAs currently operate or are proposed—whether measured by use, associated crime, or volume of trafficking in drugs or money. The conferees therefore direct ONDCP to submit its fiscal year 2000 budget for HIDTAs based on applying both ONDCP's own performance measures of effectiveness and the priorities dictated by changing threats.

SPECIAL FORFEITURE FUND

The conferees agree to provide $214,500,000, instead of $215,000,000 as proposed by the House and $200,000,000 as proposed by the Senate. This includes $185,000,000 for the youth media campaign, $20,000,000 for implementation of the Drug-Free Community Act, $5,000,000 for the chronic users study, and $4,500,000 for a transfer to the Agricultural Research Service for anti-drug research and related matters.

YOUTH MEDIA CAMPAIGN

The conferees recommend a funding level of $185,000,000 for the National Media Campaign. In fiscal year 1998, ONDCP proposed a 5-year media campaign at a total cost to the Federal government of $875,000,000. The initial request was based on a $175,000,000 annual funding level for five years of the program. The conferees continue to be fully supportive of this program and believe that this national media campaign, if properly executed, has the potential to produce concrete results. The conferees look forward to working with ONDCP on this effort to produce demonstrable results as the campaign matures.

The conferees have included new language calling for ONDCP to report on its efforts to achieve corporate sponsorship beyond the matching requirement for participation in the media campaign; clarifies the pro bono requirement; and limits the possible use of funding for creative development efforts. The conferees agree that 75% of the funds will become available when ONDCP submits to the Committees the results of Phase I of the campaign and the remainder will become available when ONDCP submits the results of Phase II.

The Committees will closely track this national media campaign, and its contribution to achieving a drug-free America. Therefore, the conferees direct ONDCP to submit quarterly reports on the obligation of funds as well as the specific parameters of the pilot campaign. The conferees anticipate that future funding will be based upon results. ONDCP is directed to report to the Committees on Appropriations by January 15, 1999 on the effectiveness of the national media campaign. In addition, ONDCP is to report to the Committees within 6 months of enactment of this Act on State and local prevention and treatment facilities infrastructure and their capacity to handle the increased demands of communities as a result of the national media campaign. ONDCP is to continue to report on the effectiveness and implementation status of the guidelines set out in the fiscal year 1998 appropriations bill.

The conferees direct the General Accounting Office to conduct a financial audit and review of the financial transactions relating to the media campaign. The conferees request that the scope of the review include how monies have been obligated and the effectiveness of the campaign and report to the Committees on Appropriations. As part of this review, GAO shall determine the definition, acquisition, and utilization of matching contributions sought by ONDCP relating to the media campaign. In addition, the conferees direct GAO to review Phase I, the 12 city test pilot, and report its findings to the Committees. This review is to examine the development of the test market plan for Phase I, determine the viability of extrapolating Phase I results to the national level, and determine the success of Phase I in the 12 city pilot.

CHRONIC USERS STUDY

The Administration's budget estimate includes a request of $10,000,000 to expand a preliminary user study conducted in Cook County, IL. The Cook County study developed a methodology for estimating the number of hardcore drug users in the United States. Accurately identifying this population is important since they consume a massive amount of the drugs available in the United States, create a large proportion of the demand for illegal drug markets, and are responsible for a great deal of criminal activity. The accurate identification of this population will provide communities a base for estimating the type and number of drug treatment and prevention programs required.

The conferees congratulate ONDCP on conducting this study and continue to support this effort. The conferees provide $5,000,000 to expand the study to regional areas. Although this is less than the request, the conferees understand that ONDCP may be able to use this level of funding to complete a study that can serve as an accurate basis for a national estimate of the size and location of chronic user populations. The conferees encourage ONDCP to work with the Department of Health and Human Services to identify additional funding sources, if necessary and available, and encourage ONDCP to promote utilization of the Cook County study that contributes to reductions in the population of hardcore drug users.

UNANTICIPATED NEEDS

The conferees agree to provide $1,000,000 as requested by the Administration for unanticipated needs.

INFORMATION TECHNOLOGY SYSTEMS AND RELATED EXPENSES

The conferees have not included language contained in the Senate bill to provide $3,250,000,000 in contingent emergency funding for Year 2000 computer conversion costs. On September 2, 1998, the President transmitted to Congress a request for this level of funding in fiscal year 1998. The conferees expect that this issue will be resolved as part of a supplemental appropriation.

TITLE IV—INDEPENDENT AGENCIES

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

The conferees agree to provide $36,500,000 as proposed by the House and the Senate. This level of funding will support a base appropriation of $32,580,000, an additional $2,800,000 for enhanced enforcement efforts, as proposed by the House and Senate, and an additional $1,120,000 for other initiatives, as proposed by the House. The conferees fence $1,120,000, pending the submission of a plan for the obligation of these funds and provide that not less than $4,402,500 shall be available for internal automated data processing systems. The conferees strongly recommend that the FEC target the additional $1,120,000 in fenced appropriations to the improvement of enforcement procedures and preventing the unnecessary dismissal of appropriate enforcement actions; the conferees specifically recommend that FEC expedite automated data processing improvements as they relate to enforcement. The conferees assume that

full time employment will not exceed 347 FTE in fiscal year 1999.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The conference agreement provides $5,605,018,000 in new obligational authority for the General Services Administration's Federal Buildings Fund instead of $5,624,128,000 as proposed by the House and $5,648,680,000 as proposed by the Senate. In order to provide the resources necessary to carry out that program, the conferees have recommended an appropriation of $450,018,000 into the Fund instead of $479,300,000 as proposed by the House and $508,752,000 as proposed by the Senate.

The conferees have provided $492,190,000 for the construction and acquisition of new projects instead of $527,100,000 as proposed by the House and $538,652,000 as proposed by the Senate. The conferees have included funding for the following projects:

Arkansas: Little Rock, U.S. Courthouse	$3,436,000
California:	
San Diego, U.S. Courthouse	15,400,000
San Jose, U.S. Courthouse	10,800,000
Colorado: Denver, U.S. Courthouse	83,959,000
District of Columbia: Southeast Federal Center Remediation	10,000,000
Florida:	
Jacksonville, U.S. Courthouse	86,010,000
Orlando, U.S. Courthouse	1,930,000
Massachusetts: Springfield, U.S. Courthouse	5,563,000
Michigan: Sault Sainte Marie, Border Station	572,000
Mississippi: Biloxi-Gulfport, U.S. Courthouse	7,543,000
Missouri: Cape Girardeau, U.S. Courthouse	2,196,000
Montana: Babb, Piegan Border Station	6,165,000
New York:	
Brooklyn, U.S. Courthouse	152,626,000
New York, U.S. Mission to the United Nations	3,163,000
Oregon: Eugene, U.S. Courthouse	7,190,000
Tennessee: Greenville, U.S. Courthouse	28,229,000
Texas: Laredo, U.S. Courthouse	28,105,000
West Virginia: Wheeling, U.S. Courthouse	29,303,000
Nationwide: Non-prospectus construction projects	10,000,000

The conferees have not provided funds for the Savannah, Georgia, U.S. Courthouse Annex project. The conferees are aware that at a recent meeting to consider the authorization of new courthouse construction projects, the Public Buildings and Economic Development Subcommittee of the House Committee on Transportation and Infrastructure deferred action on this project pending further review. The conferees further understand that that action was taken primarily because of the significant increase in estimated project cost that has occurred since the approval of funds for site acquisition and design, even though the size of the building has been reduced. The conferees share those concerns and, have, therefore, elected to defer funding for the project pending resolution of the issues that have been raised by the authorizing committee.

The conferees recognize the efforts of the General Services Administration and the Judiciary to reduce the cost of courthouse construction and encourage the continuation of these efforts. The conferees are pleased that the Administrative Office of the U.S. Courts' recent draft utilization study answers some questions about the utilization rates of existing and proposed courthouses. The conferees are aware of the Judiciary's needs to have court space available to conduct business and understand their position that a courtroom's existence may result in moving a case to settlement. However, the conferees continue to be concerned that the courts are not fully examining information that is key to the development of a utilization planning model. As a result, the conferees request the Administrative Office of the U.S. Courts to revise the utilization study to include the assumptions used to develop the planning model. Additionally, the conferees direct the General Services Administration to provide the utilization rates of existing and proposed courtrooms with any request for new construction, replacement, or expansion of court space.

The conference agreement includes language proposed by the Senate authorizing the General Services Administration to reacquire the parcel of land on Block 111, East Denver, Denver, Colorado, which was sold at public auction by the Federal government to the present owner of the property.

The conference agreement includes language proposed by the Senate which provides that funds provided in fiscal year 1993 for the Hilo, Hawaii, federal building shall be expended for the planning and design of the Mauna Kea Astronomy Educational Center.

The conference agreement deletes language proposed by the Senate regarding funding for the design of the Department of Transportation headquarters building and landing rights at Denver International Airport.

The conference agreement includes language included in the House reported bill which provides that of the funds provided for non-prospectus construction projects, $2,100,000 shall be available for acquisition, lease, construction, and equipping of flexiplace telecommuting centers.

The conferees have also agreed to include language in the bill permitting the General Services Administration to purchase, at the appropriate price, real estate essential to meet security interests related to the successful completion of the new courthouse in Scranton, Pennsylvania.

The conferees have provided $668,031,000 for repairs and alterations as proposed by the Senate instead of $655,031,000 as proposed by the House. The conference agreement provides that $161,500,000 of the funds shall not be available for obligation until September 30, 1999, instead of $19,000,000 as proposed by the House and $323,800,000 as proposed by the Senate.

The amount provided includes $25,000,000 for the chlorofluorocarbons program and $25,000,000 for the energy program as proposed by the Senate instead of $18,500,000 for each program as proposed by the House.

The conferees have agreed to list in the bill the amounts provided for each of the projects and activities to be undertaken under Repairs and Alterations as proposed by the Senate. Accordingly, there is no need for GSA to submit the plan for program execution called for in the House report.

The conference agreement includes the language contained in the Senate bill regarding the use of funds for security improvements.

The conference agreement includes language proposed by the House which provides that funds provided in Public Law 103–329 for the IRS Service Center in Holtsville, New York, shall remain available until September 30, 1999.

The conference agreement includes language proposed by the Senate which: provides that $100,000 shall be used to address lighting issues at the Byrne-Green Federal Courthouse in Philadelphia, Pennsylvania; provides that $1,600,000 shall be used to complete alterations at the Milwaukee, Wisconsin, Courthouse; and provides that $1,100,000 may be used to provide a new fence for the Suitland Federal Complex in Suitland, Maryland.

The conferees have provided $215,764,000 for installment acquisition payments as proposed by the House and the Senate.

The conferees have provided $2,583,261,000 for rental of space as proposed by the Senate instead of $2,580,461,000 as proposed by the House. The conference agreement provides that $15,000,000 of the funds provided shall not be available for obligation until September 30, 1999, instead of $51,667,000 as proposed by the Senate.

The conferees have provided $1,554,772,000 for building operations as proposed by the House and the Senate. The conference agreement provides that $68,000,000 of the funds provided shall not be available for obligation until September 30, 1999, instead of $223,000,000 as proposed by the House and $31,095,000 as proposed by the Senate.

The conference agreement provides that $475,000 shall be available for the 1999 Women's World Cup soccer event and that $600,000 shall be available for the 1999 World Alpine Ski Championships.

PUBLIC SERVICE RECOGNITION WEEK

The conferees recognize that Public Service Recognition Week, a program of the Public Employees Roundtable, has educated America about the value of the career workforce which carries out the daily operations of government. This program, which has existed for over ten years, plays an important role in educating our nation's youth and providing them with timely information about their government. The conferees urge the General Services Administration to support the mission of the Public Employees Roundtable and provide administrative and logistical assistance equaling $100,000 for carrying out its Public Service Recognition Week activities.

LOS ANGELES, CALIFORNIA, CIVIC CENTER TRUST

The conferees are aware that the U.S. Courthouse in Los Angeles, California, will be serving as the cornerstone for an economic revitalization of the Civic Center neighborhood, where currently more than 50 public and private projects are in various stages of development. The Los Angeles City Civic Center Trust, established by Project Restore, a nonprofit organization, will facilitate and coordinate this revitalization. The conferees urge the General Services Administration to continue its current work and support the mission of the Los Angeles Civic Center Trust by providing planning, administrative, and logistical support for its activities.

RONALD REAGAN COURTHOUSE—SANTA ANA, CALIFORNIA

The conferees understand that none of the artwork acquired for the Ronald Reagan Courthouse in Santa Ana, California, recognizes President Ronald Reagan. The conferees urge the General Services Administration to acquire and display artwork that appropriately commemorates President Reagan. Further, the conferees urge the General Services Administration to work with the Ronald Reagan Presidential Library and Museum to determine the feasibility of maintaining a rotating exhibit at the Ronald Reagan Courthouse.

PRESIDENT HARRY S TRUMAN

The conferees note that there is no major recognition of President Harry S Truman in

the Nation's Capital. The conferees request that the General Services Administration review such proposals as may exist and report to the Committees on Appropriations no later than June 1, 1999.

POLICY AND OPERATIONS

The conference agreement appropriates $109,594,000 for Policy and Operations instead of $108,494,000 as proposed by the House and $106,494,000 as proposed by the Senate. The conferees direct that $2,000,000 be provided for the pilot project in digital learning technologies as described in the House report and that $1,000,000 be used to initiate a digital education project.

The conferees have also included language in the bill that provides that $100,000 of the funds appropriated shall be provided to the Property Disposal activity of this account. This amount represents the estimated fair market value of the property to be conveyed to the City of Racine, Wisconsin, as described in section 409 of the bill.

The conferees have modified language proposed by the Senate regarding the Old Post Office at 1100 Pennsylvania Avenue in Washington, D.C., to make the language applicable only for fiscal year 1999 and to require that the comprehensive plan for use of the property also be approved by the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure.

SURPLUS EQUIPMENT TO SCHOOLS AND EDUCATIONAL INSTITUTIONS

The conferees urge the General Services Administration, in line with its responsibilities for the disposal of excess and surplus Federal personal property, to promote and foster the transfer of excess and surplus computer equipment directly to schools and to appropriate nonprofit, community-based educational organizations. The GSA should communicate with other Federal agencies to heighten their ongoing awareness of the existing opportunities at both the national and local levels to meet the needs of the schools for such equipment.

All Federal agencies are required, to the extent permitted by law and after determining that the equipment is excess to their needs, to give highest preference to schools and nonprofit organizations in the transfer of educationally useful Federal computer equipment. Agencies are required to inventory all computer equipment and identify in their inventories their excess and surplus equipment. Federal agencies are also required to report to GSA the transfer of any personal property, including computer equipment, made to nongovernmental entities such as schools.

The conferees commend GSA and the Office of Science and Technology Policy (OSTP) for the progress that has been made simplifying and improving the Federal Surplus Computer Donation Program. One remaining hurdle for schools interested in participating in the program is the lack of operating systems on many donated computers. The conferees urge GSA and OSTP to work together with operating system providers to develop a partnership with those providers similar to the partnership that has already been formed with van lines to assist in transporting donated computers. The goal of this partnership would be to provide operating systems to schools which receive computers through the donation program.

FEDERAL OFFICE BUILDING IN COLORADO SPRINGS, COLORADO

The Federal building located at 1520 Wilamette Ave. in Colorado Springs, Colorado, is owned by GSA and is currently leased to the U.S. Air Force Space Command. It is the conferees' understanding that Space Command is moving ahead with options to vacate the facility. In the event that Space Command does not renew its lease and the facility becomes vacant and is deemed surplus, the conferees urge GSA to strongly consider the U.S. Olympic Committee's (USOC) need for additional space and to give priority to the USOC's request to gain title or acquire the property.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

Section 401. The conference agreement includes a provision proposed by the Senate which provides that accounts available to GSA shall be credited with certain funds received from government corporations. The provision was also included in the House reported bill.

Section 402. The conference agreement includes a provision proposed by the Senate which provides that funds available to GSA shall be available for the hire of passenger motor vehicles. The provision was also included in the House reported bill.

Section 403. The conference agreement includes a provision proposed by the Senate which authorizes GSA to transfer funds within the Federal Buildings Fund to meet program requirements. A similar provision was included in the House reported bill.

Section 404. The conference agreement includes a provision proposed by the Senate which prohibits the use of funds to submit a fiscal year 2000 budget request for courthouse construction projects that do not meet design guide criteria, do not reflect the priorities of the Judicial Conference of the United States, and are not accompanied by a standardized courtroom utilization study. A similar provision was included in the House reported bill.

Section 405. The conference agreement includes a provision proposed by the Senate which provides that no funds may be used to increase the amount of occupiable square feet or provide cleaning services, security enhancements, or any other service usually provided, to any agency which does not pay the requested rental rates. The provision was also included in the House reported bill.

Section 406. The conference agreement includes a provision proposed by the Senate which provides that funds provided by the Information Technology Fund for pilot information technology projects may be repaid to the Fund. The provision was also included in the House reported bill.

Section 407. The conference agreement includes a provision proposed by the Senate which permits GSA to pay claims of up to $250,000 arising from construction projects and the acquisition of buildings. The provision was also included in the House reported bill.

Section 408. The conference agreement includes a provision proposed by the Senate providing $5,000,000 for the demolition, cleanup, and conveyance of the property at block 35, and lot 2 of block 36 in Anchorage, Alaska. The House bill contained no similar provision.

Section 409. The conference agreement includes a provision proposed by the Senate authorizing GSA to convey the property which contains the U.S. Army Reserve Center in Racine, Wisconsin, to the City of Racine. The Senate language has been amended by deleting the phrase ''without consideration.'' The House reported bill contained a similar provision.

Section 410. The conference agreement includes language proposed by the Senate directing the General Services Administration to enter into an operating lease to acquire space for the Department of Transportation headquarters. The House bill contained no similar provision.

Section 411. The conference agreement includes a provision proposed by the House regarding the fees charged by GSA for the use of telecommuting centers by Federal agencies. The Senate bill contained no similar provision.

Section 412. The conference agreement includes a provision proposed by the Senate authorizing GSA to transfer property in Dade County, Florida, to the University of Miami. The Senate language has been amended to allow a land exchange. The House reported bill contained a similar provision.

Section 413. The conference agreement includes a provision directing GSA to reincorporate the elements of the original proposed design for the facade of the United States Courthouse project in London, Kentucky, into the revised design of the building. This will ensure that the construction of the new courthouse is compatible with the architectural character of the historic existing U.S. courthouse. The construction of the project should in no way be diminished in order to achieve this goal. This provision was included in the House reported bill.

The conference agreement deletes language contained in section 411 of the Senate bill which appropriates $14,105,000 for costs associated with the security of the Capitol complex. The conferees recognize the importance of Capitol security and have consulted with and deferred to the jurisdiction of the Legislative Branch Appropriations Subcommittee to coordinate those requirements.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

The conference agreement appropriates $4,250,000 for capitalization of the Environmental Dispute Resolution Fund and operation of the United States Institute for Environmental Conflict Resolution as proposed by the House. The Senate did not include funds for this activity.

MERIT SYSTEMS PROTECTION BOARD

The conferees understand that an agreement has been reached between MSPB and its administrative judges regarding the establishment of a special pay classification for the administrative judges. The conferees are encouraged by this progress and urge MSPB to work with the proper House and Senate authorizing committees and the Office of Management and Budget so this agreement can be addressed in the fiscal year 2000 budget submission and through appropriate legislative action.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

The conference agreement appropriates $224,614,000 for operating expenses of the National Archives and Records Administration instead of $216,753,000 as proposed by the House and $221,030,000 as proposed by the Senate. The conferees have included language delaying the availability of $7,861,000 of the funds appropriated until September 30, 1999, instead of $4,277,000 as proposed by the Senate.

The conferees are aware that additional funds in the amount of $5,411,000 are required in fiscal year 1999 for Year 2000 compliance.

NATIONAL PERSONNEL RECORDS CENTER

The conferees are aware that in many instances veterans are experiencing significant delays, often as long as six months, when attempting to gain access to records they need to obtain medical assistance or other benefits from the National Personnel Records Center in St. Louis, Missouri. The conferees believe that this is unacceptable. The conferees are also aware that the National Archives and Records Administration (NARA)

has initiated a business process re-engineering project at the center to address concerns about the timeliness of responses to veterans' requests. The implementation of this project will take about five years at a total cost of approximately $6,000,000. The goal of the program is to achieve case cycle time of 10 days or less. For fiscal year 1999, the NARA will be conducting a pilot test of the business process re-engineering program to validate the processes and methods that have been recommended. The conferees have been informed by NARA that this pilot test can be funded from within existing resources. The conferees further understand that the Archives plans to begin implementation of this program in fiscal year 2000. The conferees are very supportive of this extremely important effort and expect NARA to request the funds it needs to begin implementation of the program in the fiscal year 2000 budget.

REPAIRS AND RESTORATION

The conference agreement appropriates $11,325,000 for repairs and restoration of Archives facilities as proposed by the Senate instead of $10,450,000 as proposed by the House. The conferees have not included language proposed by the Senate delaying the availability of $2,000,000 of the funds until September 30, 1999.

The conference agreement includes language proposed by the Senate providing $875,000 for a requirements study and design of a facility in Anchorage, Alaska.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

The conference agreement appropriates $10,000,000 for the Grants Program of the National Historical Publications and Records Commission instead of $6,000,000 as proposed by the House and $11,000,000 as proposed by the Senate.

The conferees have included language delaying the availability of $4,000,000 of the funds until September 30, 1999, instead of $5,500,000 as proposed by the Senate.

The conferees have agreed to provide $4,000,000 for a grant to the Center for Jewish History instead of $5,000,000 as proposed by the Senate. The conferees note, however, that a single grant of this size is far beyond the scope of activities normally undertaken by the National Historical Publications and Records Commission. For example, the Commission expects to fund, in whole or in part, 103 proposals with the $5,500,000 provided in fiscal year 1998. Therefore, the conferees agree that the funds provided for the Center for Jewish History represent the total to be provided from this account.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

The conference agreement appropriates $32,765,000 for the United States Tax Court as proposed by the Senate instead of $34,490,000 as proposed by the House.

TITLE V—GENERAL PROVISIONS

THIS ACT

Sec. 501. The conferees agree to continue to limit the expenditure of appropriated funds to the current year, unless otherwise designated.

Sec. 502. The conferees agree to continue to limit funding for consulting services.

Sec. 503. The conferees agree to continue to prohibit the use of funds prohibiting the enforcement of Sec. 307 of the 1930 Tariff Act. (Sec. 307 bans imported goods produced by slave/forced labor).

Sec. 504. The conferees agree to continue the prohibition on transfer of control over FLETC.

Sec. 505. The conferees agree to continue to protect civilian employee rights following assignment with the Armed Forces.

Sec. 506. The conferees agree to continue the requirements on ''Buy American Act'' compliance.

Sec. 507. The conferees agree to continue ''Sense of Congress'' language regarding purchase of American made equipment and products.

Sec. 508. The conferees agree to continue to prohibit contract eligibility where fraudulent intent has been proven in affixing ''Made in America'' labels.

Sec. 509. The conferees agree to a provision proposed by the House which prohibits funds to pay for an abortion or any administrative expenses for FEHBP plans that provide benefits or coverage for abortions.

Sec. 510. The conferees agree to a provision proposed by the Senate in Title VI of this bill providing that Sec. 509 shall not apply if the life of the mother is in danger or the pregnancy is the result of an act of rape or incest.

Sec. 511. The conferees agree to a provision proposed by the Senate which authorizes the use of unobligated balances for certain purposes, providing that such requests be made in compliance with reprogramming guidelines.

Sec. 512. The conferees agree to include a provision as proposed by both the House and Senate which prohibits the use of funds for the White House to request official background reports without the written consent of the individual who is the subject of the report.

Sec. 513. The conferees have included language which provides that funds provided in this Act may be used to initiate or continue projects or activities, to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) conversion to ensure adequate funding until such time as supplemental appropriations are made available for that purpose. The language also includes a provision which requires agencies that use funds appropriated in this Act for Y2K conversion activities to restore funds to the program, project, or activity from which the funds were obligated when supplemental appropriations for Y2K conversion activities are made available.

Sec. 514. The conferees agree to include a provision which provides for the appointment and reappointment of Staff Director and General Counsel of the Federal Election Commission as proposed by the House in the House-reported bill, instead of language proposed by the Senate.

Sec. 515. The conferees agree to include a provision authorizing the payment of attorneys' fees, costs and sanctions by the Federal government in the case *Association of American Physicians and Surgeons, Inc.* v. *Clinton* from the White House Office Salaries and Expenses account, as proposed by the House in the House-reported bill.

Sec. 516. The conferees agree to include a new provision authorizing the use of fifty percent of the fiscal year 1997 unobligated balances available to the White House Salaries and Expenses account for the purposes of partially satisfying the conditions of Section 515.

Sec. 517. The conferees have agreed to include language which makes technical corrections to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992.

Sec. 518. The conferees have agreed to include a new provision regarding cost accounting standards to contracts under the FEHBP.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Section 601. The conferees agree to continue a provision authorizing agencies to pay costs of travel to the United States for the immediate families of Federal employees assigned to foreign duty in the event of a death or a life threatening illness of the employee.

Section 602. The conferees agree to continue a provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances.

Section 603. The conferees agree to continue a provision authorizing reimbursement for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of child care services to Federal employees.

Section 604. The conferees agree to continue a provision regarding price limitations on vehicles to be purchased by the Federal government.

Section 605. The conferees agree to continue a provision allowing funds made available to agencies for travel to also be used for quarters allowances and cost-of-living allowances.

Section 606. The conferees agree to continue a provision prohibiting the Government, with certain specified exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental U.S.

Section 607. The conferees agree to continue a provision authorizing agencies to use funds to pay GSA bills for renovations and other services.

Section 608. The conferees agree to continue a provision allowing agencies to finance the costs of recycling and waste prevention programs with proceeds from the sale of materials recovered through such programs.

Section 609. The conferees agree to continue a provision providing that funds may be used to pay rent and other service costs in the District of Columbia.

Section 610. The conferees agree to continue a provision prohibiting the use of appropriated funds to pay the salary of any nominee after the Senate voted not to approve the nomination.

Section 611. The conferees agree to continue a provision precluding the financing of groups by more than one Federal agency absent prior and specific statutory approval.

Section 612. The conferees agree to continue a provision authorizing the Postal Service to employ guards and give them the same special police powers as GSA guards.

Section 613. The conferees agree to continue a provision prohibiting the use of funds for enforcing regulations disapproved in accordance with the applicable law of the U.S.

Section 614. The conferees agree to continue a provision limiting the pay increases of certain prevailing rate employees.

Section 615. The conferees agree to continue a provision limiting the amount of funds that can be used for redecoration of offices under certain circumstances.

Section 616. The conferees agree to modify a provision prohibiting the expenditure of funds for the acquisition of additional law enforcement training facilities.

Section 617. The conferees agree to continue a provision to allow for interagency funding of national security and emergency telecommunications initiatives.

Section 618. The conferees agree to continue a provision requiring agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 619. The conferees agree to continue a provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment.

Section 620. The conferees agree to continue a provision prohibiting the use of funds

for travel expenses not directly related to official governmental duties.

Section 621. The conferees agree to a new provision providing that no adjustment shall take effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems under section 5303 of title 5, United States Code.

Section 622. The conferees agree to continue a provision which prohibits the use of appropriated funds in this or any other Act to acquire information technology which does not comply with part 39.106 (Year 2000 compliance) of the Federal acquisition regulations.

Section 623. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 624. The conferees agree to modify a provision which prohibits the use of funds for Sunday premium pay to an employee unless the work was actually performed.

Section 625. The conferees agree to continue a provision which prohibits the use of funds to prevent Federal employees from communicating with Congress or to take disciplinary or personnel actions against employees for such communication.

Section 626. The conferees agree to a new provision that provides additional flexibility relating to the FTS 2000 contract.

Section 627. The conferees agree to a new provision to protect Federal law enforcement officers who intervene in certain situations.

Section 628. The conferees agree to a new provision reforming Federal firefighters overtime pay.

Section 629. The conferees agree to a new provision requiring a joint review by the Department of the Treasury, the Department of Justice, and the Office of National Drug Control Policy on the coordination of Southwest border counter drug activities.

Section 630. The conferees agree to a new provision that provides that for fiscal year 1999 and each fiscal year thereafter, each executive agency of the Federal government shall make available at a minimum $50,000 for expenses necessary to carry out a flexiplace work telecommuting program.

Section 631. The conferees agree to a new provision to amend permanent law to make Senior Executive Service Presidential Awards based upon base salary percentages of 20 percent (for ''Meritorious Awards'') and 35 percent (for ''Distinguished Awards'') rather than the current dollar amounts.

Section 632. The conferees agree to a new provision to increase the formula used to calculate the aggregate amount available for performance awards to 10 percent of the Senior Executive Service pool or 20 percent of the average of annual rates of basic pay.

Section 633. The conferees agree to a new provision regarding U.S. Government participation in the Universal Postal Union.

Section 634. The conferees agree to continue a provision requiring the President to certify that no persons responsible for administering the Drug Free Workplace Program are themselves the subject of random drug testing.

Section 635. The conferees agree to modify a provision prohibiting Federal training not directly related to the performance of official duties.

Section 636. The conferees agree to continue a provision prohibiting expenditure of funds for implementation of agreements in nondisclosure policies, without ''Whistleblower'' protection clauses.

Section 637. The conferees agree to continue a provision which prohibits executive branch agencies from the use of appropriated funds for publicity or propaganda purposes to support or defeat legislation pending before Congress.

Section 638. The conferees agree to a new provision requiring the OMB to do an accounting statement and associated report on the cumulative costs and benefits of Federal regulatory programs, as proposed by the Senate and make this provision applicable for one year only.

Section 639. The conferees agree to continue a provision providing that no funds may be expended to provide an employee's home address to a labor organization except when the employee has authorized such a disclosure or such disclosure has been ordered by a court of competent jurisdiction.

Section 640. The conferees agree to continue a provision authorizing the Secretary of the Treasury to establish scientific certification standards for explosives detection canines.

Section 641. The conferees agree to continue a provision prohibiting the use of appropriated funds to provide nonpublic information such as mailing or telephone lists to any person or organization outside of the Government.

Section 642. The conferees agree to continue a provision prohibiting funding for publicity or propaganda purposes not authorized by Congress.

Section 643. The conferees agree to a new provision that directs the U.S. Marshals Service to conduct a quarterly threat assessment on the Director of the Office of National Drug Control Policy upon which the Director's security needs will be based.

Section 644. The conferees agree to a new provision to expand section 636 of the Treasury, Postal Service and General Government Appropriations Act, 1997 (Public Law 104–208) to include the judicial branch.

Section 645. The conferees agree to a new provision directing employees to use ''official time'' in an honest effort to perform official duties. The conferees agree that this section does not affect the rights and responsibilities under Chapter 71 of title 5, United States Code.

Section 646. The conferees agree to a new provision providing monetary relief to importers whose legally purchased goods were denied entry upon arrival because of changes in official policy.

Section 647. The conferees agree to a new provision regarding pay for Federal employees. The conferees anticipate that the President will issue an Executive Order allocating the 3.6 percent pay increase between an increase in rates of basic pay for the statutory pay systems under section 5303 of title 5, United States Code, and increases in comparability-based locality payments for General Schedule employees under section 5304. The conferees have not made the language more specific so that the President may exercise his discretion to distribute any amount allocated for comparability-based locality payments in the most appropriate fashion among the pay localities established by the President's Pay Agent.

Section 648. The conferees agree to a new provision requiring the Postal Rate Commission to submit an annual report to Congress regarding international mail rates.

Section 649. The conferees agree to a new provision to extend the sunset date for Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) from 10 to 15 years.

Section 650. The conferees agree to a new provision to direct the Customs Service, in consultation with the U.S. Trade Representative and the Department of Commerce, to report on the importation of certain grains.

Section 651. The conferees agree to a new provision to designate the Eugene J. McCarthy Post Office Building.

Section 652. The conferees agree to a new provision authorizing the use of credit card rebates to support the Joint Financial Management Improvement Program.

Section 653. The conferees agree to a new provision addressing use of accrued leave as it applies to Senior Executive Service reduction in force actions.

Section 654. The conferees agree to a new provision directing agencies to assess the impact of Federal regulations and policies on families.

Section 655. The conferees include a new provision relating to the application of 18 U.S.C., Section 922(t).

Section 656. The conferees agree to a new provision addressing contraceptive coverage in health plans participating in the FEHB program.

The conferees delete a provision included by the House prohibiting the use of appropriated funds for new nonpostal commercial activities or pack and send services.

The conferees delete a provision included by the Senate prohibiting the acquisition of products produced by forced or indentured child labor.

The conferees delete a provision included by the Senate authorizing agencies to provide child care in federal or leased facilities. This issue is addressed in Title VII of this Act.

The conferees delete a provision included by the Senate expressing a sense of Congress that a postal stamp be created to commemorate Oskar Schindler.

The conferees delete a provision included by the Senate prohibiting the use of any funds in this Act to pay for abortions or administrative expenses of any FEHBP plans which provide abortion benefits. This provision is addressed in Section 509.

The conferees delete a provision included by the Senate authorizing the expenditure of funds for abortions under the FEHBP if the life of the mother is in danger or the pregnancy is the result of an act of rape or incest. This provision is addressed in Section 510.

The conferees delete a provision included by the Senate requiring any Senate or House bill or joint resolution of a public character to include a detailed analysis of the potential impact of such legislation on family well-being and on children.

The conferees delete a provision included by the Senate authorizing $420,000,000 in emergency funding for the Strategic Petroleum Reserve.

The conferees delete a provision included by the Senate expressing the sense of Congress that a postal stamp be created to honor the 150th Anniversary of Irish immigrants to the United States.

The conferees delete a provision included by the Senate authorizing the Community and Postal Participation Act of 1998.

The conferees delete a provision included by the Senate waiving Section 611 of this title to permit interagency funding of the National Bioethics Advisory Commission.

The conferees delete a provision included by the Senate to permit the interagency funding of the National Science and Technology Council.

The conferees delete a provision included by the Senate allowing amounts appropriated in this Act to be transferred to the FLETC ACIRE account. The conferees address this appropriation in Title I of this Act.

TITLE VII—CHILD CARE IN FEDERAL FACILITIES

The conferees agree to include and modify a new title dealing with child care in Federal facilities, as proposed by the Senate.

TITLE VIII—TECHNICAL AND CLARIFYING AMENDMENTS

The conferees agree to delete a new title authorizing the Office of National Drug Control Policy proposed by the Senate and instead insert a new title regarding administration of the DC Retirement Trust Fund.

TITLE IX—HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998

The conferees agree to language addressing the immigration status of Haitians previously paroled into the United States, as proposed by the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the 1999 budget estimates, and the House and Senate bills for 1999 follow:

New budget (obligational) authority, fiscal year 1998	$25,325,767,500
Budget estimates of new (obligational) authority, fiscal year 1999	26,839,489,000
House bill, fiscal year 1999	26,614,669,000
Senate bill, fiscal year 1999	29,923,612,000
Conference agreement, fiscal year 1999	26,772,527,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1998	+1,446,759,500
Budget estimates of new (obligational) authority, fiscal year 1999	−66,962,000
House bill, fiscal year 1999	+157,858,000
Senate bill, fiscal year 1999	−3,151,085,000

JIM KOLBE,
ERNEST ISTOOK,
ANNE M. NORTHUP,
BOB LIVINGSTON,
JOSEPH MCDADE (except for section 656),
STENY H. HOYER,
CARRIE P. MEEK,
DAVID E. PRICE,
DAVID R. OBEY (except for section 514 on FEC),
Managers on the Part of the House.

BEN NIGHTHORSE CAMPBELL,
RICHARD SHELBY,
LAUCH FAIRCLOTH,
TED STEVENS,
HERB KOHL (with exception to section 514),
BARBARA A. MIKULSKI (with exception to section 514),
ROBERT C. BYRD (with exception to section 514),
Managers on the Part of the Senate.

TRIBUTE TO THE HONORABLE JOSEPH M. McDADE, MEMBER OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the special order to follow.

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

There was no objection.

Mr. SHUSTER. Mr. Speaker, I rise today to honor JOE MCDADE, one of our colleagues, indeed, one of the most illustrious colleagues many of us have had the privilege to serve with in this Congress.

As we know, JOE is retiring after 18 terms in the Congress, 36 years of service to our country. Indeed, JOE MCDADE is an extraordinary person, an extraordinary Pennsylvanian, an extraordinary American. He is one of the most highly respected Members of this Congress, and for good reason. JOE MCDADE, if he has been anything here, he has been a builder. He has been a positive force, not only for his district and for the Commonwealth of Pennsylvania, but for the United States of America.

JOE MCDADE has made an imprint which will last for generations. Indeed, as a senior member of the Committee on Appropriations, JOE MCDADE was deeply involved in providing for the strong national defense which was so crucial in leading to our winning the Cold War. As a member of that Committee on Appropriations, as well as his service on other committees, JOE MCDADE was deeply involved in the economic development, not only of his district, but of Pennsylvania and the Nation.

Mr. Speaker, we honor JOE MCDADE here today because he is so deserving of the honor, and, not only the honor, but the respect and the gratitude of not only the Members of this body, but of the entire country, and certainly of Pennsylvania and his beloved Congressional District.

JOE MCDADE has been through some grossly unfair times, but he has emerged unscathed; not only unscathed, he has not only survived, he has prevailed, and he has prevailed with the blessing and the respect and the support of everyone who knows him. His honor, his integrity, his character shines as an example to all of us.

So we salute this giant, and we salute his wife, Sarah, and his family, and we say Godspeed, because we know JOE will have many, many months and years of opportunity to continue not only enjoying the fruits of his labor, but of continuing to make a contribution to his state and to the country.

So I would conclude by saying to our colleague, JOE MCDADE, that as long as our Pennsylvania mountains turn green in the springtime and as long as our rivers run down to the ocean, your impact will be felt by future generations of Pennsylvanians and of Americans, because you, JOE MCDADE, have made a positive impact for the future of our country.

I am pleased to yield to the distinguished senior Democrat of our Pennsylvania delegation (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, BUD SHUSTER and I came to Congress about the same time, and JOE MCDADE at that time was a legend. He came 10 years before we came to Congress, and he has dedicated himself not only to the people of Pennsylvania, but to the people of this Nation.

JOE and I feel that our finest hour since we have been in Congress was when we were the chairman and ranking member of the appropriations subcommittee on defense during the war. Everything that happened during the war, we worked on, we had something to do with it. Before that, we made sure the appropriations were available to have the readiness that was necessary for that war to be carried out to the tremendous conclusion it was carried out to. Both of us supported George Bush, President Bush, in everything that he did, and I think we played a major role in getting the authorization to go to war and the appropriations necessary for that to be carried out adequately.

But, just as important as that is the impact JOE MCDADE has had in this Congress with withstanding the prosecution by the Justice Department, the unfair prosecution.

They came to his home and for six years they harassed him. They tried to get him to give in.

They had a frivolous case. They leaked information. I sat beside JOE MCDADE, as the rest of us did in Pennsylvania. We knew that any charges they brought against him would be frivolous and that it would be inadequate, and we knew JOE, how honest he was. In all the years that he served on the defense subcommittee, which had as much as $300 billion in it, never once did he try to get something done for financial reasons. Everything he did was what was good for the country.

So when they finally indicted him, the charges absolutely would have been devastating to the House of Representatives. If he had been convicted, it would have meant that every campaign contribution was considered a bribe. If he had been convicted, it meant that every honorarium would have been considered an illegal gratuity. The impact it would have had on the Congress would have been chilling.

The Justice Department was trying to intimidate the House of Representatives, and JOE MCDADE withstood this tremendous pressure. It affected his health, it affected him emotionally, and it affected him physically. I watched him endure this. He and Sarah put up with this tremendous challenge, and they overcame it.

When it went to the jury, the jury decided in a couple of hours that the whole case was frivolous, that what they were doing was outrageous, and the procedures were outrageous. I am proud to say that the House of Representatives passed overwhelmingly a bill to force the Justice Department to follow the ethics of the states that they are practicing in, and certainly that is not too much to ask.

But think what he has done in protecting the House of Representatives. The ordinary citizen cannot raise $1 million to protect themselves. The ordinary citizen has to give in. Why in some cases does the Justice Department brag about a 98 percent conviction rate? Because people have to give in. They have to compromise. They go after the sons or daughters of the families with unjust situations.

JOE MCDADE is one of the finest people to ever have served in this great institution. We are at the pinnacle of power. This country right now is the most influential it has ever been, economically and militarily, and we can be proud to say, myself and those who have served with JOE MCDADE, what an outstanding American he is and what a tremendous service he has done to this country and to this great House of Representatives.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Speaker, I rise also to pay tribute to our friend, a true patriot, a true statesman, a man we are all proud to call our friend, the gentleman from Pennsylvania, Mr. JOE MCDADE. In his service for his district for 18 terms, a remarkable span of over 35 years, he has provided a source of inspiration for many of us, including this Member, in the initiatives and policies he has pursued and the way in which he has done so. Whether it was his focus to create new and better opportunities to the small businesses in his area, or his efforts to protect and restore the environment, or his pursuit to secure funds for hospitals, highways and schools, JOE MCDADE has led by example.

Of particular interest to this member and the constituents I represent has been JOE's dogged determination to fund environmental infrastructure, providing millions of dollars for water and sewer improvements, flood control, abandoned mine stabilization and the like. Many of us take for granted these commonalities of clean water and modern wastewater treatment facilities, but I can tell you firsthand what a difference these initiatives make in people's lives. An effort such as these can literally turn the tide against unemployment, with good paying jobs, local citizens working better, and creating the environment that people are proud to call home.

We could go on and on about JOE's accomplishments, but I believe his record speaks for itself. For me it has been within the inner workings of the Committee on Appropriations where JOE has served since 1965 that we have come to know him best. But whatever his subcommittee assignment, JOE provided leadership when we needed it in a bipartisan fashion. When compromise was needed, JOE was there to broker the deal. Likewise, when a firm hand was needed, JOE was there to throw down the gauntlet. Needless to say, JOE got things done.

His latest accomplishment and example of his natural leadership came in the fiscal year 1999 Energy and Water Development Appropriations bill, just finished, where he serves as the Subcommittee Chairman. I can say that given the circumstances he had to endure this year, the 1999 bill was the finest we have seen brought to the floor. He certainly saved his best for last.

In closing, I will simply say it has been an honor, a pleasure, to serve with the gentleman from Pennsylvania. He has given us leadership, he has given us courage, and an overwhelming devotion to the American people for nearly four decades, and this institution will not be the same without JOE MCDADE.

Whatever his endeavors in the future, we know that it will always display the same compassion, understanding and devotion, as he always has here in this body.

We wish JOE MCDADE and his family all the best, and we will truly miss him here.

Mr. SHUSTER. Mr. Speaker, I yield to the distinguished Congressman from Pennsylvania, Mr. KANJORSKI.

Mr. KANJORSKI. Mr. Speaker, I rise today as a Member of Congress that shares a common border with the 10th district in northeastern Pennsylvania. The name ''JOE MCDADE'' is famous. As a matter of fact, he came to this Congress as the immediate successor to the Honorable William Scranton, who later went on to become an outstanding Governor of Pennsylvania and the United States representative to the United Nations. JOE MCDADE followed in his tradition, and for 36 years has been as an individual more responsible for the economic recovery of his district and northeastern Pennsylvania than any other Member.

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He also, in the course of his service to his constituents, raised bipartisanship to a new level. An immediate predecessor of mine was the honorable Daniel Flood, and JOE came as a junior member to Congressman Flood, but together worked for the benefits of northeastern Pennsylvania, to such an extent that in 1972 when Flood Agnes struck northeastern Pennsylvania's Wyoming Valley, it was not one Congressman that represented the 11th district, Dan Flood, that worked alone; it was two Congressmen. The people of my district will always be in debt to the honorable JOE MCDADE.

Mr. Speaker, I may say for my colleagues, those of them who have not had the honor and privilege of visiting JOE's district of northeastern Pennsylvania, take an opportunity and also take a lesson. Anywhere you travel in the 10th congressional district of Pennsylvania and you mention the name JOE MCDADE, whether it be Republican, Democrat or Independent, there is only high respect to the individual as a person and for his public service. They have memorialized that throughout that district with McDade Park, the McDade Highway, and on and on. Mr. Speaker, he will live for centuries to come because of his good efforts.

Mr. Speaker, we are working together, I hope, to see that a further tribute be paid to our great friend and our great Congressman and an outstanding Member of this House, and my good friend, JOE MCDADE.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman. As he well knows, we are indeed working on a further tribute for the distinguished gentleman from Pennsylvania (Mr. MCDADE).

I am pleased to yield to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague yielding and taking a moment to speak about our dear friend, JOE MCDADE. I would like to mention 3 elements of my own relationship. I would like to mention a bit about JOE MCDADE as a leader, a bit about him as a professional, and a bit about him as a friend.

Mr. Speaker, I must say that there are many in Washington over the years who inspire. Few in my lifetime in public affairs have been more inspiring than JOE MCDADE. He is a leader's leader.

In California in one of our great buildings there is inscribed, ''Bring me men to match my mountains,'' and if there is a man who matches anybody's mountain, it is Congressman JOE MCDADE. For all of these years, holding nearest to his heart the importance of this institution and making certain that the institution remained as strong or much stronger than before he dreamt of coming to the Congress himself.

As a professional, he has been an inspiration for me in my committee work over the years. I will never forget the Joint Chiefs of Staff when JOE took them on a tour of the world regarding personnel, and he knew more about that subject than anybody in the room. He was an inspiration to those who would but learn by listening to him as a leader.

As I friend, I cannot match JOE as a friend anywhere, one of the great men of the Congress who I am proud to say is my very dear friend.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman.

I am pleased to yield to the distinguished gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Speaker, I am pleased to join with my colleagues tonight to pay tribute to our good friend, JOE MCDADE. It has been said, and we all know what honor and distinction JOE MCDADE has served with for 36 years, and what he has done for this country and for Pennsylvania and for his district. But what I will always remember is how JOE MCDADE helps all of us help our constituents.

I will just give my colleagues two examples. JOE MCDADE and PAUL KANJORSKI and myself have the great honor

of representing the anthracite coal fields of northeastern Pennsylvania. There was a time when coal was king. That is no longer true, but we have a lot of hard working miners in our 3 districts, primarily mine and PAUL's, not so much JOE's anymore. JOE realized that this was a clean-burning fuel, and it was something that we needed to help maintain and sustain and create jobs and through his efforts on the Subcommittee on Defense Appropriations, we were able to find alternative markets that helped the miners of Schuylkill and Northumberland and Lackawanna Counties. And my constituents in Northumberland County on the Susquehanna River who are constantly in peril of flooding, and in the winter of 1996 found themselves facing difficult situations and a serious flood situation. Through the help of our good friend, my good friend, JOE MCDADE, we were able to secure funds for flood control that helped the City of Sunbury and the Borough of Northumberland, as well as the Borough of Milton.

So JOE, on behalf of the constituents of the 6th congressional district, thanks for all you do for all of us.

Mr. SHUSTER. Mr. Speaker, I yield to the distinguished gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding. It is true in the early 1960s, a handsome guy from Scranton was elected to the House of Representatives. He came from a great family, a great background, beloved of the area and the community, well-known in all of Pennsylvania. Of course I am speaking of Bill Scranton. And then, when Bill finished his distinguished service here in the House of Representatives, we drafted him to become governor of Pennsylvania. Lo and behold, the mold that he had set, Bill Scranton had, was filled immediately by JOE MCDADE who, with his gentleness, his ability to work with people, has accomplished all of the matters to which reference has been made here this evening with which I concur.

But I think the real sign of the JOE MCDADE that we all know and respect came one day when, as I learned later, in a golf tournament involving Members of the House, the contest for longest ball was in progress, and at the end of the day it was announced that JOE MCDADE, little JOE MCDADE had the longest drive, some 325 yards. This went unheralded, because JOE MCDADE never bragged about his feats on the golf course. He was always quiet and worked with people and never bragged about anything.

Well, that, to me, is how he operated in the Congress of the United States. He always hit the long ball, but always with dignity, always with respect for the other, always without heralding his efforts, always without seeking to take credit for it.

But here tonight, as we bestow our tribute to him, as did the golfers on that day when they acknowledged that he was the long ball hitter, we here tonight say, he hit the long ball for Pennsylvania throughout all of his tenure in the House of Representatives.

Mr. SHUSTER. I thank the gentleman. I am pleased to yield to the distinguished gentleman from Pennsylvania (Mr. MASCARA).

Mr. MASCARA. Mr. Speaker, I thank the chairman for yielding and allowing me to honor Congressman MCDADE.

Mr. Speaker, as this Congress comes to a close, we will be saying our fond farewells to one of this institution's finest legislators, JOSEPH MCDADE. As the longest serving Member of his party and the most senior Member of the Pennsylvania delegation, JOE MCDADE has made a lasting contribution to this institution.

From his ranking position as vice chairman of the Appropriations Subcommittee on Defense, JOE MCDADE pressed for a stronger defense to match the Soviet military buildup of the 1980s. He has also worked hard helping constituents devastated by the closing of coal mine operations to find new careers through job training and increased local investment. The University of Scranton, in his hometown, has honored his commitment to the community by dedicating the Joseph M. McDade Center of Technology after its proud son.

JOE MCDADE has always devoted much of his time to the Washington D.C. community, serving as a trustee of the Kennedy Center, the National Cultural Center, and also as a member of the board of trustees of the Ford's Theatre. The Pennsylvania delegation will greatly miss the friendship and leadership that JOSEPH MCDADE provided throughout his lifetime of service in the House of Representatives.

Mr. Speaker, I can say as a Member of the 104th Congress, one of 13, JOE, you have made me feel welcome, and when I had a project that needed some help, you did not care whether I was a Democrat or not, and I will never forget that. JOE, I wish you Godspeed, and God bless you.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished Chairman of the Committee on Rules (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I thank the Chairman, the distinguished gentleman from Pennsylvania, because I would like to take a few minutes. I do not have any prepared remarks either, but when I came here 20 years ago, looking around this Chamber and wondering who you can trust, who you can take their word for, and when I looked at JOE MCDADE and talked to you and others, because I served on your committee when I first came here 20 years ago, and you said JOE MCDADE is a man of integrity, he is a man you can trust, he is a man that will always tell it like it is. It did not take long for that to prove true, because in all of the years that I have had the privilege of working with that gentleman over there, he is one of the most respected Members of this body, and I greatly admire and respect him. I know every other man does too, and woman, of this body.

JOE, we just wish you Godspeed. I think that you are not the type of person that just goes and retires in a rocking chair. You will seek a new career and you will be a great success, because you are a great man and a great American, and we salute you, sir.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise today to express my sincere admiration and great fondness for Representative JOE MCDADE. It is clear from the number of Members who have gathered here this evening to pay tribute to JOE that he will not just be missed by one party or the delegation of one State, but by a vast and diverse group of people.

As a Member who personally strives to put progress above partisanship, I consider myself extremely fortunate to have had the opportunity to work with and, more importantly, to learn from, JOE MCDADE as well as JACK MURTHA, both of whom have an outstanding reputation in this regard.

The list of accomplishments that have been amassed since JOE was elected to the U.S. House of Representatives in 1962 is both long and impressive. Equally impressive is the list of accomplishments that JOE has helped other Members to achieve. JOE, I cannot thank you enough for the concern that you have shown for the interests of the 18th congressional district. Locks and dams 2, 3 and 4 on the Monongahela River, DOE initiatives and the Pittsburgh supercomputer, just to name a few.

Without question, JOE, your presence will not be easily replaced. I will miss you both personally and professionally, and I wish you and your family, your wife, Sara and your children, Joseph, Aileen, Deborah, Mark and Jared, all the best. JOE, take care and God bless.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my distinguished leader from Pennsylvania for yielding, and I rise to pay my personal respects to my leader and my mentor for the past 14 years. I say 14 years, even though I am only in my 6th term, because if it were not for the gentleman that we are honoring tonight, I probably would not be here.

Back in the mid 1980s when my colleagues in Delaware County suggested I consider running for Congress, I said, what does this entail? They said, we want you to go down to Washington and meet with this fellow named JOE MCDADE. Now, I had heard of JOE's name and his reputation, but I had not had the honor to meet him.

I came to Washington and met with him. He gave me some very wise advice about campaigning and what it would

take to win the seat, and while I did not win the seat that year I lost by 400 votes out of 249,000, I did come back the following year and, winning by 60,000, JOE took me under his wings.

It was JOE MCDADE who got me a seat on the Committee on National Security because JOE was our point person on the committee on committees. And it was over the first few years in that committee that I saw JOE MCDADE as a leader, not just on behalf of Pennsylvania, and not just on behalf of national security, but a leader on behalf of this country.

Without a doubt, Joe McDade has had on the Republican side as much impact on the security of our Nation and the ability of our troops to respond around the world as any other single Member, certainly in my lifetime. That reputation continues today, and it will be very difficult for anyone in the Republican Party to top. Working together with our colleague, the gentleman from Pennsylvania (Mr. MURTHA), JOE MCDADE and JACK MURTHA formed a team that has been unbeatable in this institution.

But, Mr. Speaker, as one looks to a person like JOE MCDADE, who not only was the key leader for our commonwealth in so many different areas, and not just his role on the Committee on National Security where he was a key leader for Members on both sides of the aisle, but as the gentleman from Pennsylvania (Mr. MURTHA) said earlier, a leader for us in the Congress to make sure the integrity of this institution would be forever retained.

I think the greatest legacy of JOE MCDADE is something we all strive for when we come here, and that is when we leave, what will people say about us? Now, we are all considered politicians, because that is our business. But I think we all seek to attain the moniker of statesman, and JOE, without a doubt, has achieved that title.

He is truly a statesman, because in the 12 years I have been in Congress I have never heard JOE MCDADE utter one bad word about any other Member of this Congress, Republican or Democrat, irregardless of what that Member might have done.

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But likewise, in my 12 years in Congress, I have never heard any Member of this institution, in either party, utter any disparaging comments about the gentleman from Pennsylvania (Mr. JOE MCDADE). In fact, every time JOE MCDADE's name is discussed, it is always in the context of a gentleman, a leader, a friend, a true statesman; someone who has set the tone, and a role model for every future official who will serve in this great institution.

I thank my good friend and colleague, the gentleman from Pennsylvania (Mr. JOE MCDADE), for being such a friend and role model for all of us.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I am pleased to join my colleagues today in tribute to a great legislator and friend, the gentleman from Pennsylvania (Mr. JOE MCDADE), of Pennsylvania's 10th District.

As other speakers have noted, the service of the gentleman from Pennsylvania (Mr. JOE MCDADE) has impacted his country and his district in a very powerful way. His is a distinguished career, and it has earned the admiration of Members on both sides of the aisle.

It is difficult in a few moments to give due credit to a Member's service in this House, and it becomes particularly impossible when that service spans almost four decades, and is so full of accomplishments.

But I would like to note in particular our appreciation for the gentleman from Pennsylvania (Mr. MCDADE's) work on critical defense issues, for his leadership in addressing national energy problems, for his stewardship of historical, cultural, and environmental resources, for his success in stimulating small business development, for his efforts to improve housing in rural areas, emphasizing the needs of the elderly, the handicapped, and low-income families, and for his focus on parks and recreation.

The record of the gentleman from Pennsylvania (Mr. MCDADE) is one of solid achievement, and it is a compliment to his constituents that they have faithfully recognized the value of his service.

For those of us who had the pleasure of working with him, it is no mystery why he is so effective. It is because of his strong work ethic, his sharp intellect, and his gentlemanly manner. That last trait is what I will remember most about serving with the gentleman from Pennsylvania (Mr. JOE MCDADE). I will always admire how he shows kindness, without fail, to everyone around him. He is a model of congressional courtesy, and it is a joy to work with someone who is so good-natured, so polite, so decent in every situation.

The gentleman from Pennsylvania (Mr. JOE MCDADE) is, in every respect, the gentleman from Pennsylvania, and will be greatly missed by us all. As we salute his service, we offer our warm wishes to him and his family, his lovely wife Sarah and their five children. We thank the gentleman from Pennsylvania (Mr. MCDADE), and wish him our best always.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, when I came to the Congress of the United States, the gentleman from Pennsylvania (Mr. JOE MCDADE) was already a king on the Hill. My dad said, you will want to get to know the gentleman from Pennsylvania (Mr. JOE MCDADE). He said, you will want to get to know him for two reasons. First of all, he is a wonderful gentleman, but secondly, you are going to need him. It did not take me long to realize that I truly was going to need him.

Scranton, the Scranton area, is going to lose just an outstanding legislator, but even more than that, we in the Pennsylvania delegation are going to lose one wonderful leader. It did not take me long to realize that if my businesses were going to survive, having so many that deal with defense in my area, I had better get to know the gentlemen from Pennsylvania, Mr. JOE MCDADE and Mr. JOHN MURTHA, very well. I can go next door and get transportation, but I have to go a little further away in order to get all of that kind of help.

The gentleman from Pennsylvania (Mr. JOE MCDADE) became a real mentor of mine. There is one thing, however, that always surprised me about JOE, which is that he speaks two languages. What always confused me is how could he get down there in the well and know which language to use, but he never slipped up. He always used the correct language.

He is just one wonderful gentleman, and we are going to miss him, but more importantly, the residents of the Scranton area truly are losing an outstanding legislator. I wish him the best, and many, many years of happiness. Come back and tell us what we are doing wrong, get us straightened out. We know the gentleman will, in a kind, gentle way. I thank the gentleman from Pennsylvania (Mr. JOE MCDADE) for his service to the country.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentleman from Pennsylvania (Mr. MCHALE).

Mr. MCHALE. Mr. Speaker, when I arrived in the Congress some 6 years ago, the gentleman from Pennsylvania (Mr. JOE MCDADE) had already served here for three decades.

The gentleman from Pennsylvania (Mr. JOE MCDADE) is present in the Chamber as we speak this evening. I say to the gentleman, I hope he has some sense of not only the respect that we feel toward him, but the deep affection we feel for him.

Many Members of this House over a period of time will, through their own actions, earn respect. We certainly hope that to be the norm. No Member of this House is more beloved than the gentleman is. When I first arrived here, I talked to the gentleman from Pennsylvania (Mr. MCDADE) on numerous occasions about the assistance that he and the gentleman from Pennsylvania (Mr. JOHN MURTHA) could give to me and to my district before the Committee on Appropriations. I was a junior member of the other party, and despite that fact, every time I needed help, the gentleman from Pennsylvania (Mr. JOE MCDADE) was there.

Mr. Speaker, I can speak in the next few minutes about the tremendous contribution the gentleman from Pennsylvania (Mr. JOE MCDADE) has made to

the University of Scranton, my father's alma mater. At that school, I say to the gentleman from Pennsylvania, as well as here in the halls of Congress, there is a clear recognition of all that the gentleman has done.

I think back on the definition of courage that was brought forward by Ernest Hemingway, one of our great writers. Mr. Hemingway once said that courage is best defined as grace under pressure. During the 6 years that I have served with the gentleman from Pennsylvania (Mr. JOE MCDADE), there have been times when, unjustly, he faced a great deal of pressure. He continued to perform his duties on behalf of the people of the 10th District of Pennsylvania with unfailing consistency and dedication. He has been courageous in the truest sense of that word.

I say to the gentleman from Pennsylvania (Mr. JOE MCDADE), we will deeply miss him, not only as colleagues but as friends. We hold for him an unlimited degree of personal affection.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am so proud to be up here with my colleagues on such a wonderful occasion to pay tribute to the gentleman from Pennsylvania (Mr. JOE MCDADE). It has been mentioned that he came here so many years ago during the Kennedy administration. He was a wonderful lawyer in private practice after having graduated from law school at Penn.

He went to the University of Notre Dame, which befits his Irish background. It is hard for me to pay tribute to that part of his background, inasmuch as I am an alum of the University of Southern California, and Notre Dame has, particularly in recent, I should say decades, whupped the Trojans.

What can we say about a man who comes to Congress, serves 10 years as a Republican, and while he is picking up the Republican nomination, wins the Democratic primary as a write-in? What can we say about someone who, at this juncture, still more decades later, can sit here on the floor and listen to Democrats and Republicans come up and praise not only what he has done for all of us, leading by example, being our friend, but what he has done for the country?

One of my colleagues just mentioned that no one in Congress has done more for the national security. For all those years that we had a military buildup, the appropriators, the Committee on Appropriations, was looked to to put money into the Pentagon in order to win the Cold War, but we too little recognize what they have done even more recently.

Since America won the Cold War, due to the determination and leadership of the gentleman from Pennsylvania (Mr. JOE MCDADE) and a handful of others like him, we have been able to pare back that spending. Since America won the Cold War, we have saved a cumulative total of $1 trillion on Pentagon spending. We owe that, as well as the victory that preceded the peace dividend, to leaders, chief among whom is the gentleman from Pennsylvania (Mr. JOE MCDADE).

Mr. Speaker, I have had a chance to go out to dinner with JOE and his family, and in particular, his youngest son, who is just a shade older than my oldest. It is a lot of fun to see the family side of the gentleman from Pennsylvania (Mr. JOE MCDADE) and Sarah. I cannot imagine, after having been in politics as long as the gentleman has, that he can be so upbeat and provide so much spirit to the rest of us, having taken the body blows that are often traded in politics, survived them, but excelled, in spite of them, to remain a gentleman, to remain humble, and to always keep his smile. That is the strongest and best example the gentleman can provide to every one of us.

The gentleman has served our country well, he has bettered this institution, he has led by his example, he has left many friends. We love him very much.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman from Florida. I was not aware that this was happening this afternoon, and as God would have it, I passed through here after a markup and I saw the gentleman from Pennsylvania (Mr. JOE MCDADE) sitting over in the corner.

I must say, Mr. Chairman, that the gentleman from Pennsylvania (Mr. JOE MCDADE) to me is sort of a renaissance man. He covers all aspects of what we do here in the Congress. He has a very big heart for all people.

I met the gentleman from Pennsylvania (Mr. JOE MCDADE) first when we served on the Subcommittee on Energy and Water. Never have I worked with anyone with such a strong gentleness of purpose. He knew exactly the whole entire field. He did not mind sharing with those of us who knew less. He was fair. He had good judgment. Most of all, Mr. Speaker, the gentleman from Pennsylvania (Mr. JOE MCDADE) is a very intelligent man, able to talk on almost all the subjects and more that we know about.

I love the gentleman from Pennsylvania (Mr. JOE MCDADE). I have seen him go through the ups and downs, and he is a man for all seasons. He can face adversity and still do a job. He can face adversity and still smile and talk and shake hands with his colleagues.

I am very, very sure, Mr. Speaker, that when the history of this Congress is written, the name of the gentleman from Pennsylvania (Mr. MCDADE) will be very high at the top of those who achieve the kind of good will, the kind of working with others, that he has done. He is a credit to this House. He is a credit to the Congress. The people of this country, I am sure, will always worship the gentleman from Pennsylvania (Mr. JOE MCDADE).

I want to say to the gentleman from Pennsylvania (Mr. JOE MCDADE), God bless me for having crossed your path. I thank the gentleman.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I wanted to pay tribute to the gentleman from Pennsylvania (Mr. JOE MCDADE). I did not know this was taking place. I happened to look at the television in my office. I just wanted to come over and pay my respects.

I was a staff member for a Republican Member of Congress years ago, Congressman Biester, and I always admired the gentleman from Pennsylvania (Mr. JOE MCDADE) then. Then I got a job as congressional relations assistant to Secretary Rogers C.B. Morton. I remember, my first visit here on the Hill was to pay a courtesy call by the office of the gentleman from Pennsylvania (Mr. MCDADE) for Mr. Morton, who was then Secretary of the Interior.

Mr. Speaker, I have learned a lot from the gentleman from Pennsylvania (Mr. JOE MCDADE), and I have admired him. The gentleman from Pennsylvania (Mr. JOE MCDADE) lived, in some respects, in my congressional district for a long period, in Arlington. Everything the gentlewoman from Florida (Mrs. MEEK) said was exactly true. The gentleman has always had a great disposition, and I just want to second literally everything that has been said, but kind of present my body here as a living testimony of my admiration and respect, and look forward to really a good friendship for many, many years to come. May God bless you, JOE.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, I too was walking through the hall and heard the accolades that were given to the gentleman from Pennsylvania (Mr. JOE MCDADE). I have to tell the Members, I have to take at least a minute to let the gentleman from Pennsylvania and the Speaker know that the gentleman from Pennsylvania (Mr. JOE MCDADE) is a great man.

Back in 1991 when I first came to Congress, I did not know too much about Congress, nor did I know too many Members of Congress, except the ones from Arizona. However, there was a gentleman here who shared a story, who shared a smile, and shared some advice.

I got to know the gentleman from Pennsylvania (Mr. JOE MCDADE) a little bit. He went through some very hard times, but I have to tell the Members, he is a man that, under adverse situations, still kept a smile, kept the positive attitude, and was very friendly to everyone in this House.

Mr. Speaker, I had the honor of being under the gentleman's leadership in the Subcommittee on Energy and

Water. I have to tell the Members that he was a leader for the entire committee. He treated every Member with respect. He treated every Member in the way that all of us want to be treated.

I never saw him get cross, but I have to tell the Members that there were many department heads from the Department of Energy or Corps of Engineers who would come and testify, and he may not have agreed with them, but he was always, in a very positive manner, letting them know that their policy was not going to work in this Congress.

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I have great admiration for JOE MCDADE. I wish him well. He served this House well. Thank you, Mr. Chairman.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for organizing this wonderful tribute to our good friend and colleague, the gentleman from Pennsylvania (Mr. MCDADE).

The gentleman from California (Mr. COX) alluded to his Notre Dame background and his Irish heritage. I too am of Irish heritage. This is a little bit like an Irish wake, a lot more subdued than a lot that I have been at. But the good news is that the honoree is quite alive and lively to hear these nice things, and what a treat it is for all of us.

Congressman MCDADE got me started off on the Committee on Appropriations. To this day, he still refers to me as ''mayor,'' having appointed me to the Subcommittee on the District of Columbia of the Committee on Appropriations, and I had no idea what a challenge that would be. But he was always there with advice and counsel along the way, as he has been on so many things.

Congressman MCDADE is a friend, not only of mine, but of my family. My dad, Bill Walsh, who served with JOE back in the 1970s sends his regard and his best wishes. And JOE never hesitates or forgets to ask about dad, and he is doing quite well.

Congressman MCDADE is a man who never forgot where he came from. He has the same positive outlook about life in spite of all of the difficulties that you go through in public life, quick to smile, quick with advice, thoughtful, serving on the Committee on Appropriations and being in conference meetings when things get hectic and tense.

JOE always spoke with authority and with knowledge of the issues. If there is one thing that separates the wheat from the chaff in a legislative endeavor, it is when someone with authority and knowledge speaks. Everyone else stops, and they listen because chances are they are listening to find a way out of the thicket that they are in.

JOE is always there with that thoughtfulness, with that ability to help us to get through to work out the compromise, to make things work. It is that approach to government that has inspired so many of us to try to capture that same view and to continue that fine tradition that he has laid down for all of us.

So, JOE, thank you for everything. Both personally and as a citizen of the United States, we owe you a great deal.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I wish there were more discussions like this, people from both sides of the aisle talking about positive things and talking about individuals like Congressman MCDADE.

But I want to admonish Congressman MCDADE. You do not want to inhale everything that has been said, because so many nice things have been said about you.

I look at Congressman MCDADE in a couple of ways. First of all, having been in business so many years, the one thing you want in a director or employee or a stockholder or somebody when times are tough is somebody who is going to be with you. And you do not know what it is. You do not know what you are going to ask of them, but you have a sense in their character that they are going to be there.

I know this personally because of a situation that occurred, not only in Mr. MCDADE's State, but in mine in 1972 when we had Hurricane Agnes, and there was terrible flooding. The response from people like Mr. MCDADE and his associates was extraordinary. We literally could not have gotten through that if it had not been for the efforts of the people up there who lived and breathed it and understood it and suffered through it.

So I do not think anybody in the area that I represent will ever forget that. It is something to remember. It is something important to all of us.

The other thing is I have always felt that we have a limited period of life, and time is the most precious thing. Many times, it is more important who you do something with than what you do. The fact that we have been able to do something with you, JOE, has made it all worth the ride. I thank you very much for that.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I am deeply grateful for the chance to participate in this tribute. JOE MCDADE has been a great friend to all of us. He has been an institution within this institution, and that is for a variety of reasons.

JOE MCDADE is a great gentleman, as has been noted here. For that reason, he has, almost unique in this institution, a set of warm relationships that cut across party lines.

He brings to the House an institutional memory that I think we all value. He is a master mechanic of the process. He is also someone who has been willing to lend his wise counsel to junior Members like me.

JOE, I can remember a lot of projects you and I have worked on together where your advice has been critical to my getting it done; first and foremost, my getting on Ways and Means as a freshman. I will always be grateful to you for your essential role in that.

You have been a huge champion of all of Pennsylvania. I will tell you, as long as I am in this body, I will aspire to be like JOE MCDADE. We already have, though, one small thing in common, and that is we both had big shoes to fill as freshmen, because we succeeded popular Members who were elected Governor.

There is a gentleman, JOE's predecessor, and who still is his constituent, who sent me a statement that I would like to read because it encapsulates my sentiments about JOE MCDADE. He wrote: ''JOE MCDADE is not only the best Congressman this District has ever had but we think he is the best Congressman any District ever had!''

''He thinks deeply, he works hard and he gets things done in the right way.''

Signed Bill Scranton.

I could not have said it any better myself.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I would like to thank the gentleman for yielding to me and to join with many of my colleagues in recognizing Congressman JOE MCDADE.

For those of us who were lucky enough a week or so ago to attend JOE's retirement dinner, the film that was shown at that dinner captured you from your earliest days as a child throughout your entire public career. It made many of us new to this institution have a greater appreciation, not only for the institution, but for the major role you played in representing our Nation and most particularly the State of Pennsylvania for so many years.

I wanted to thank JOE MCDADE, a wonderful Member of Congress for taking time out as a senior Member of the House to be a friend to a relatively new Member of the House. I would like to thank him for his advice over 4 years as a Member of the House, but also for his advice even before I was sworn in as a Member.

Congressman MCDADE served as a Member of the House when my father Peter Frelinghuysen was a Member, and I knew of him, made his acquaintance, and he befriended me and has been a wise advisor and counselor.

I would also like to thank Congressman JOE MCDADE for his perspective, unique perspective on the appropriations process and on the committee and for his leadership on that committee, most particularly for his assistance to my State of New Jersey and

other States as chairman of the Subcommittee on Energy and Water Development.

I will particularly remember his admonition never to apologize for being parochial, that in fact if one is not parochial on any committee as a Member of Congress, you will soon be replaced by somebody who is parochial.

I would like to thank Joe as well, Congressman JOE MCDADE for taking time out of his busy life to visit my district in New Jersey, the 11th Congressional District, most particularly the Picatinny Arsenal. Tobyhanna and Picatinny in some ways are joined at the hip in terms of serving our national defense. But your personal time and visit to the Picatinny Arsenal did a lot to boost the morale of many thousands of men and women who dedicate themselves to the research and development.

Above all, I want to wish JOE and Sarah many happy years ahead and to say what a privilege it has been to serve with you, as my father did for so many years in this body.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Pennsylvania (Mr. PETERSON), the newest Member of our Pennsylvania delegation.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for giving me this opportunity.

Congressman JOE MCDADE, we thank you for the service you have given, not only your district of Pennsylvania, but this country. I am going to give a little different perspective.

I have known JOE 14 years. I have known of him a lot longer than that. But 14 years ago, when I was running for the Pennsylvania Senate, we met in Potter County where he was so capably serving that county, and then we have been friends ever since.

But JOE, I, we have heard here tonight the tremendous admiration in this body for you. But I can tell you from God's country, Potter County, where you used to serve them so capably, they respect you. They are thankful of how you served, and they have a deep affection for you.

In Congress, I serve three counties, one he serves a part of, and the other two he used to serve. And I can tell you there from Tioga County and Clinton County, they also have the greatest respect for you, the affection for you, and they miss you.

His record speaks for itself, reelected overwhelmingly 18 times, many times by almost unanimous vote. A potential candidate, I think this says it best, said to me, who really had a shot of being his replacement, he said ''How can I compete with this record? How can I compete with the shadow that he has cast with the tremendous affection and respect in that district?'' I looked at him, and I said you cannot. I cannot.

He is not the average congressman. He is the exception. He is a gentle giant, and you cannot compete with him. That man did not run. I may have discouraged him, but he could not compete; and he should not run for that reason.

JOE MCDADE, the Congressman of the 10th District is the exception, not the rule. He has been extremely effective. But on top of that, he has been kind. He has been compassionate. He cares about his district, and he cares about his colleagues. As many have said, he has played a great influence in the defense of this country, one of our most important issues we deal with.

JOE, I only regret that I did not have more time to learn from you as I continue to serve my District. Thank you for being a friend and neighbor.

Mr. DICKS. Mr. Speaker, it is a pleasure for me to join my colleagues here in the House chamber today to honor and pay tribute to our good friend JOE MCDADE of Pennsylvania. I certainly share many of the sentiments that have been expressed today from the members of the Pennsylvania delegation, noting the enormous contributions JOE has made to the state and to the 10th District. His legacy there will be monumental. But I would also like to remark that his contributions extend far beyond the boundaries of the State of Pennsylvania. I have worked with him on the Appropriations Committee since I entered Congress in 1977, and have come to appreciate his sincere interest in improving the lives of others, preserving our national heritage, and in maintaining a strong national defense. I have served with JOE on the Defense and Interior Appropriations Subcommittees, and I want to express my gratitude for his insight and his counsel in these two areas. JOE has been a forceful advocate for maintaining military readiness and for providing our armed forces with the most modern and most efficient weaponry. He has worked with members on both sides of the aisle in defining our defense priorities and in overseeing the proper expenditure of the nation's defense budget. And on the Interior Subcommittee I have been proud to work with him on a host of public lands issues over the years. In particular, though, I have appreciated his deep concern and support for the National Park Service. He is a member who has taken the time to learn the problems confronting the parks, which have struggled to maintain quality during a time of dramatic increases in visitor attendance. He has become personally invested in helping the Park Service carry on the legacy for future generations, and my constituents who treasure three great National Parks in Washington, are among the millions of our citizens who have benefitted from his work. In this session of Congress, I have appreciated all of his help on the important water and power issues that affect the western states most especially. As chairman of the Energy & Water Development Appropriations Subcommittee he has always been open to our views and sympathetic to our issues. And finally it is important to note as this session of Congress concludes and as JOE MCDADE completes his 18th term in office, how much he will be missed because of the style and the manner in which he approached his work here in the House. He was always the gentleman, always one who was willing to find a way to work out problems and to get things done in a way that, to some, may seem old fashioned. His friendly approach has been an endearing quality, and I know I can speak for many here in the House today in saying how much we will miss these qualities here in this chamber.

Mr. LAFALCE. Mr. Speaker, it is never easy to say ''farewell'' to a colleague, particularly to a friend with whom you have shared well over twenty years of service in the House of Representatives.

Congressman JOE MCDADE's 34 years of service to the people of the 10th District of Pennsylvania is, in itself, testimony to the high esteem in which JOE is held. Having risen to the level of fourth most senior Member in the House, there are few Members in this Chamber who know more about how this institution works and how it has changed over the years.

Despite the differences in our party affiliations, the close relationship I enjoy with JOE became much stronger during the years we served together on the Small Business Committee. The problems and concerns of the small business community in the Pennsylvania heartland are much the same as those in Niagara Falls and the rest of my western New York District. While we might not always vote the same way on most issues, more often than not, our concerns and interests within the Small Business Committee reflected a fundamentally similar perspective and a shared desire to spur small business growth and development.

My relationship with JOE MCDADE was not just a professional one. On a personal note, some of the best memories I will share with JOE MCDADE result from the many conversations we would have as we walked together back and forth from the House to our Congressional offices which, for a time, were across the corridor from each other. The American public tends to define Member to Member relationships solely by the sharp debate the television cameras often transmit from the well of the House. They do not see the many moments when Members of both parties talk quietly and with a warm camaraderie as they ride the underground tram or walk across Independence Avenue time after time each legislative day to answer the call of the House for votes.

It was during these quiet conversations that I got to know JOE MCDADE, not only as the Congressman from Pennsylvania's 10th District, but as a man and a father who worried about his family's well-being. I learned to appreciate JOE as a legislator, genuinely concerned about the problems of our nation, and as a colleague who wanted only the best for the House of Representatives as an institution. I will never forget our conversations for they conveyed the wisdom and institutional memory of a man who loved his job and the people he so well represented in this House.

Let me take this opportunity to formally convey my best wishes for a most happy, healthy, and productive retirement. JOE, you will be missed. Godspeed, my friend.

Mr. CRANE. Mr. Speaker, I am especially pleased to join with my colleagues in honoring our long-time fellow member and comrade-in-arms, JOE MCDADE.

It was with genuine regret that we heard JOE had decided to call a halt to his long and distinguished career in this legislative body. His leadership in hundreds of floor debates over these thirty-five years has left its mark on a great deal of the legislation that has passed into law. His work in the Appropriations Committee over that time has won him the admiration and gratitude of both Republicans and

Democrats, and members on both sides of the aisle have often found themselves endebted to JOE MCDADE's highly effective legislative skills. A great many of us in this body have found him to be receptive to our needs and hard-working and dedicated in his efforts to see that important bills were successfully legislated.

He has clearly served the constituents of the 10th Congressional District of Pennsylvania with particular distinction, and in their gratitude for his leadership, they have returned him to the House time and again for a truly remarkable three and a half decades.

In all of his dealings with his colleagues, JOE's genial manner and Irish good humor has won him the warm friendship of members in both parties. May he be rewarded in his retirement with further challenging interests, insights and projects. Perhaps we can look forward to his producing a book or two, giving us his perspective on what has really happened on the Hill during this last turbulent one-third of a century, and offering some advice to all of us in our search for better and more effective legislation.

JOE's departure will clearly leave a void in this Congress, and we hope he will make a point of returning to visit the floor on many occasions so that his mere presence will remind us again that collegiality and hard work continue to be all important in this body.

JOE MCDADE, I rise with your fellow members in saluting you for your thirty-five years of real accomplishment and dedication in the service of your fellow Americans. You will remain an inspiration for those who will follow in your footsteps from the great state of Pennsylvania! We are more than confident you will find many more congenial friendships and rewarding opportunities throughout the coming salad days of your retirement. You will be missed! God bless!

Mr. YOUNG of Florida. Mr. Speaker, I want to commend my colleagues from Pennsylvania, Mr. SHUSTER and Mr. MURTHA, for taking this Special Order tonight to honor one of my dearest friends, JOE MCDADE.

JOE has left his mark on this House in so many ways. As the Senior Republican in the House, he is a respected Statesman who is looked up to by so many of our junior members. His wise counsel and advice have helped maintain the decorum and traditions of this great deliberative body.

As the senior Republican on the Appropriations Committee, he has served with great distinction. I can think of no finer tribute to JOE than in this his final year, our nation will enjoy a federal budget surplus for the first time in a generation.

Finally, I want to thank JOE for his selfless service as a member of the Appropriations Subcommittee on National Security to provide for the needs of our men and women in uniform. His leadership and long hours of work have ensured that he will leave this House secure in the knowledge that our troops in the field, at sea, and in the air are the strongest, most prepared fighting force anywhere in the world.

In addition to his work to provide for the defense of our nation, he has also worked hard to defend our nation's great treasures which are our national parks and our environment. As Chairman of the Appropriations Subcommittee on Energy and Water, JOE has reached every corner of our nation to support critical public works needs, and through his long service on the Interior Subcommittee, he has protected our public lands and rebuilt the decaying infrastructure of our National Park Service.

No where is JOE's work more evident then in the many large and small towns of Northeastern Pennsylvania. He has been a diligent public servant for young and old alike. He is revered by the veterans of his community and you cannot go far in the 10th Congressional District without seeing another sign of JOE's handiwork.

Mr. Speaker, JOE MCDADE has given this House and the people of our great nation 36 years of selfless service. JOE has been a revered colleague, and devoted member of the Appropriations Committee, and a warm personal friend. With his retirement, JOE will leave a great void in this House, but he also leaves those who follow him a lasting legacy of how one American can devote himself to service to this body and to our nation. JOE MCDADE has been a great American, a great colleague, and the greatest of friends. He will be missed by us all.

Mr. SHUSTER. Mr. Speaker, I think the outpouring that we have seen here tonight for JOE MCDADE shows how much we respect him, we admire him, and we love him. Godspeed to you, JOE MCDADE and Sarah and your family.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4104, TREASURY, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. MCINNIS (during special order of the gentleman from Illinois (Mr. LIPINSKI), from the Committee on Rules, submitted a privileged report (Rept. No. 105–761) on the resolution (H. Res. 563) waiving points of order against the conference report to accompany the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO THE HONORABLE SIDNEY R. YATES

The SPEAKER pro tempore (Mr. EVERETT). Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, I am here tonight to pay tribute to one of the most outstanding Members that the United States House of Representatives has ever had; that is SIDNEY R. YATES of the 9th Congressional District in the State of Illinois.

SID YATES is retiring this year after 48 years in the House of Representatives, 24 terms. It would be an even 50 years if he had not been selected by the Democratic Party of Illinois in 1962 to run against the then Republican leader of the United States Senate Everett McKinley Dirksen.

In 1962, he ran against Dirksen in a very spirited hard-fought race, which he unfortunately, from our perspective, lost 53 to 47. For the 2 years he was gone from the House of Representatives, he served as the United States representative to the United Nations. He returned in 1964 to resume his influential position here in Congress.

SID YATES is the product of immigrant parents. His parents were born in Lithuania, and Sid was born here in this country shortly after his parents arrived. He also has 3 brothers that were born here in this country.

SID YATES has served on the Committee on Appropriations just about his entire career here in the House of Representatives. He also served on the Committee on Foreign Operations for many, many years. He has a law degree and a Ph.D. from the University of Chicago.

□ 1915

But besides pursuing those academic credits at the University of Chicago, SID YATES was an outstanding college basketball player. He was placed on the All Big 10 Team in his senior year, 1933, and he also was mentioned as an honorable all American candidate.

He did not shoot jump shots. He did not shoot set shots, but, believe it or not, he played center for the University of Chicago and had an excellent left-handed hook shot and an excellent right-handed hook shot.

SID has been the subcommittee chairman on the Subcommittee on Interior for over 20 years. He is now the ranking member of the Subcommittee on Interior. He is an individual that has fought for the environment his entire career here in the House of Representatives. He is a man who has been the chief supporter of the National Endowment for the Arts and Humanities. He has also been the chief supporter of the National Trust for Historic Preservation.

But he has also been very, very practical. He is a man that has always seen to it that money has come back into the City of Chicago and the State of Illinois for very significant and important projects: The Illinois Deep Tunnel system, Chicago Wilderness Project, the Chicago Green Streets program, the Chicago Shoreline project, the Indiana Dune center, and Navy Pier.

It is only fitting and proper that a few days ago the United States House of Representatives renamed the auditors main building located at 2101 14th Street, S.W. in Washington, D.C. in honor of SIDNEY R. YATES.

Back in 1944, when Sid was 35 years of age, he joined the United States Navy and served from 1944 to 1946. When he came out of the Navy, he got himself involved in politics and, as I mentioned earlier, he was elected to the House of Representatives in the Harry Truman year of 1948.

Through all those years, SID has had very, very few difficult primary or general elections. But in 1990, he did have

what some people thought was going to be a strong challenge. He ran up against a young alderman in the City of Chicago who was independently wealthy, who was extremely well funded. And the newspapers in Chicago and some of the political pundits had great concern that SID YATES, after all these years in Congress, might go out a loser. But to the astonishment of many people who were not really that well informed, SID YATES won that primary with 70 percent of the vote. His opponent received only 27 percent of the vote.

I have a few other things to say here about SID YATES, but there is a gentleman who has now joined me on the floor, a colleague of SID YATES and a colleague of mine, Congressman DANNY DAVIS.

I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. LIPINSKI), my colleague, for first of all taking out this time to salute and honor a tremendous legislator, a tremendous American, a man whom I am proud to call a colleague, Mr. SIDNEY YATES. I thank the gentleman for yielding me the opportunity.

Mr. YATES has the honor, of course, of representing the 9th congressional district of Illinois and has represented the people of the 9th district since 1953, serving 24 terms in the House. Born the son of Jewish immigrants in 1909, Mr. YATES was born in Chicago, and I am proud to say that he was born in my district, the district that I currently serve. His family lived on Maxwell Street, but later moved to the Lakeview area.

Mr. YATES was educated in the Chicago public schools, attended college at the University of Chicago where he played on the basketball team. I am not sure that he slam dunked that often but occasionally I suspect that he could rise to the heights of the basket. But nevertheless, he received his law degree from the University of Chicago Law School.

During the past 48 years, Mr. YATES can claim a leadership role in many important efforts. Most notably, he has been the staunch backer of the NEA and is often credited for saving this valuable program. Arts funding and environmental protection are perhaps two of his highest priorities.

In addition to this, Mr. YATES has assisted projects such as Navy Pier in Chicago, the U.S. Holocaust Memorial Museum, defunding the School of the Americas, gaining citizenship rights for the Japanese in the United States after World War II, and the Chicago Transit Authority. I can think of no more spirited of an advocate for the people and their civil liberties than my good friend, SID YATES. If he gets behind an issue, he will fight for it until the end.

Mr. YATES has often been deemed by the press a Truman era liberal, an unapologetic liberal and the greatest friend the arts have in America today. In 1973, Congressman Anunzio remarked, For in the Congress, he is the people's advocate, and his contributions have been positive and numerous. He has waged war against the common enemy: hunger, disease and apathy. He has helped relieve human suffering by devoting his energies to equal opportunity for employment, housing and education. He has encouraged the immigrants and the oppressed from other lands to migrate to America, the land of the free. He is a true liberal with his goals and sights high, but with his feet on the ground. He has vision and courage in abundance.

And so as SID YATES takes leave of 48 years of service in the House, I am proud to salute the honorable SIDNEY YATES. His voice is one of principle and honor. His vote has always been one of the people, and all of the people in the 7th congressional district in the State of Illinois commend, congratulate and salute him for his service.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for those fine words about SID YATES.

I yield to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the leadership of the gentleman from Illinois (Mr. LIPINSKI) in taking out this time to salute Congressman SID YATES, a pioneer for the people, someone who is a true gentleman and has been an outstanding member. He let his actions speak for his district and for his country, and in every way he has shown what a great Congressman can be, what it means to be selfless, what it means to be a visionary, what it means to make a difference. So while he will be concluding his many terms here in Congress, his legacy will live on in all the people programs that he supported. He is someone who for many of us who are newer Members, he is someone who we have gone to for advice. He is someone who has captured our imagination and our spirit and someone who has set high goals for us to reach, and we hope to continue the fine association with him and wish him the best as he moves forward in his life.

Let me add, if I may, that at the same time we are going to be missing Congressman MCDADE of Pennsylvania, who has been the dean of our delegation and also a fighter for his constituents as subcommittee chair of the Committee on Appropriations, someone who has done great things to stop waste, cut taxes and fight for important programs that he and SID YATES together thought were important to the people. And so two great giants of the House, Congressman SID YATES and Congressman JOE MCDADE are individuals whose accomplishments are legion, Members who have given their whole professional life to this institution.

Because of their outstanding service, their States, Illinois and Pennsylvania, are stronger, and America has a record of accomplishment second to none.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for those words about Congressman YATES.

I yield to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the gentleman from Illinois (Mr. LIPINSKI) for setting aside this time to pay tribute and honor one of the most distinguished and longest-serving Members of this House of Representatives.

Even though I have only been here for two terms, I remember SID YATES very findly because of the mark that he left on Illinois, because of the mark that he made in Illinois politics. He was in the House and actually ran for the United States Senate against a very distinguished Senator by the name of Senator Everett Dirksen. I think back in the days when SID ran for that position, he actually thought that he could beat Senator Dirksen. But given the kind of record that SID had even back then, he waged a very, very vigorous campaign and represented really, I think, the best of Illinois politics, because I know that he cares very deeply about issues that face Illinois and has been very strong on trying to solve problems on behalf of the State of Illinois.

He represents, I think, one of the prettiest parts of Illinois and one of the prettiest parts of the Chicago land area along the coast of Lake Shore Drive and commonly referred to as part of the Gold Coast of Chicago. I think that for the people that SID has represented, he will be long remembered, probably, as the Congressman for the arts.

Of all of the things that I think SID has accomplished here in the House, I think he will always be remembered for his very, very strong advocacy for the arts, for the humanities, and really trying to promote and encourage people in those areas, whether they be the arts or the humanities. I think in reality that is what his moniker will be.

He also is someone that any Member of our delegation could go to and speak to about any particular project or opportunity for funding for the State of Illinois. Whether it be in Central Illinois, which I represent, or Southern Illinois, it did not make any difference whether the Member was a Republican or a Democrat, SID would listen attentively, would pay attention, and then do his homework and do his work to accomplish whatever the Member needed for their part of the State, because as much as I know he loved his own district, he also loved the State of Illinois and would do anything he could to improve that part of Illinois that the Member had come to him and asked him about.

He will be sorely missed for our State on the Committee on Appropriations. He will be sorely missed by the people who represent the arts and humanities for his advocacy, and he will be missed by all of the House for his intelligence and his ability to really come to the floor and make a case for the important issues of the day or the important

issues before the Committee on Appropriations.

□ 1930

I am sorry SID is not here tonight, but in the remaining days that we have, I know that many of us will have an opportunity to bid him a fond farewell and thank him for the many, many things he has contributed to his own district, one of the most beautiful parts of Chicago, to the beautiful State of Illinois, and to our wonderful country. And on behalf of, I think, those in Illinois that are not represented by SID, in central or southern Illinois, we say, ''Thank you for your stewardship and your service.''

And I thank the gentleman for setting aside this time to honor a great American, a great Member of this body, SID YATES.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman very much. We appreciate the words the gentleman had to say about SID YATES, and I want to say to the gentleman that when he talked about SID YATES being a gentleman, he certainly is a gentleman. We could not find a finer gentleman in this body or, I believe, anyplace in this country. I think his character has always been beyond reproach and his integrity has been of the highest possible degree. And in this day and age, that is something we really have to salute and admire.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIPINSKI. Mr. Speaker, I yield to my colleague, the gentleman from Illinois (Mr. JESSE JACKSON).

Mr. JACKSON of Illinois. I thank the gentleman for yielding to me, and I rise today, Mr. Speaker, to pay tribute to a distinguished legislator, a paragon of virtue and a national treasure, Congressman SIDNEY YATES from my home State of Illinois.

I am deeply saddened that Mr. YATES will be leaving the House of Representatives at the end of this term. I join my colleagues in thanking this truly remarkable man for his invaluable contribution to this Nation.

Mr. YATES was first elected in 1948, and for 4 decades he has served as a member of the Committee on Appropriations. As the Member who coined the appropriations moniker, ''College of Cardinals'', he has spent 20 years as the chairman of the Subcommittee on Interior of the Committee on Appropriations and has been a staunch advocate for the arts and defender of the environment.

Mr. YATES embodies all that is just and virtuous about public service. Through his exemplary tenure, Sid Yates has typified what it truly means to be called ''the honorable''.

Mr. YATES has been considerate to me, generous with his time, and extremely helpful to me as a new legislator. On December 14th, 1995, Mr. YATES introduced me, after I took the oath of office, and has continued to serve as a guide and a teacher. As the dean of the Illinois delegation, he has proved inspiring by his courageous and principled stands on issues and legislation, despite great pressures to do otherwise.

I believe I speak for everyone in this body by thanking him for his leadership, public service, experience and wisdom. I will miss my good friend and trusted mentor, and I wish him and his family the very best as they embark upon the next chapter of their lives.

I want to take this opportunity to thank my colleagues, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Illinois (Mr. RUSH), and certainly the gentleman from Illinois (Mr. LIPINSKI), for being considerate enough to yield to me this time and for hosting this special order on behalf of Mr. YATES.

Mr. LIPINSKI. I thank the gentleman very much for those outstanding words about Sid Yates.

I was just thinking the other day that people have never talked about the Ninth Congressional District in the State of Illinois as anything other than the Yates district. Even when people were campaigning in the primary to succeed Congressman YATES, they never talked about running for the Ninth Congressional District, they talked about running for SID YATES' seat. And I believe that it will be thought of as SID YATES' seat for a long, long time into the future.

As I mentioned earlier, SID YATES is a man of the highest quality of character, the greatest integrity. He is a gentleman in the finest sense of the word. He never has a bad word to say about anyone. He has led many, many causes on this floor. He led them very strongly. He led them with a great deal of intellectual persuasion behind these causes. He never became upset with what other people had to say, even though, as time has gone on, some of the causes, some of the things that he championed may have had less and less support here in the House of Representatives.

As the gentleman from Illinois (Mr. JESSE JACKSON) just mentioned, and as the gentleman from Illinois (Mr. DAVIS) has mentioned, he never changed his position. He never changed his principles. You knew when you met SID YATES where he stood. We knew that when he spoke, he spoke directly, accurately, forcefully, and with the highest degree of integrity behind it.

There are many, many things that SID YATES has done for this country by being a Member of this body. He is retiring at the end of this term, but the accomplishments that he has had for this country will not only be remembered for many, many years in this body but will be remembered by many people in this Nation. Because many of the things that he has done in the arts, in the humanities field, and in the environmental field are things that people know about, people appreciate, and people will always be happy that SID YATES was here for almost 50 years.

I would now like to conclude this special order by recognizing the Congressman from Indiana (Mr. PETER VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for yielding and for setting aside this time to honor Mr. YATES.

I have kidded Mr. YATES in the past that one of the advantages he has over me is that during the summer months potentially half of his constituents tend to live in my Congressional District along the southern shore of Lake Michigan. But what I would like to remember about Mr. YATES tonight is not only the fact that he is a true gentleman, in every sense of the word, but as the gentleman from Illinois (Mr. LIPINSKI) just pointed out, his unflinching devotion and energies to preserving the environment of the United States of America as well as this planet and, in particular, the closeness to which he held the Indiana Dunes National Lakeshore to his heart, one of the great natural resources of this country.

I have a picture in my office of my son John when he was 8 years old, and he had a look of bliss on his face as he was jumping off a small bluff along the southern shore of Lake Michigan on the day a fence was torn down and the Dunes was expanded to include an area called Crescent Dune in the Michigan City area.

It was the last 36 acres of undeveloped property along the 45-mile southern lakeshore of Lake Michigan. And that property was included for future generations forevermore because of the strenuous efforts and commitments of SID YATES to the environment. It sat next to Mount Baldy, which was also included in the Indiana Dunes National Lakeshore, the highest geographic feature in Northern Indiana because of the efforts of Mr. YATES.

But most importantly, I think, there are now environmental education centers, campgrounds and other facilities. So that whether it is the young students of our area, whether middle-aged individuals or senior citizens who want to learn more about their surroundings and the environment, they are now able to do that because of the good works of Congressman YATES.

He is a gentleman in every sense of the word. He is dedicated to his family and to his country, and it has been a privilege for me to be able to serve with Mr. YATES for 14 years. And, again, I thank the gentleman very much for allowing me the opportunity to speak.

Mr. CRANE. Mr. Speaker, I salute my good friend and long-time colleague and political neighbor, SID YATES, as he comes to the end of a most remarkable career in the House of Representatives.

It was an incredible fifty years ago that SID first won his seat in Congress. I was a high school senior at the time, undecided about my future in the post World War II period.

Over the years since, both SID and I have worked hard together in support of numerous projects involving many issues for the betterment of Illinois citizens. And I must say that Chicagoans have long been appreciative of SID's remarkable ability as Chairman of the Interior Subcommittee on Appropriations to bring to the Windy City large allocations of funds for many important projects. Literally he has been able to win billions for the city and for Illinois in projects such as the Chicago Shoreline Project, the Navy Pier Restoration Project, the Indiana Dunes Land Acquisition Project, the Chicago Cultural Center—in addition to many specific public works projects of importance to Chicago.

Moreover, as one of this country's earliest environmentalists, SID YATES will be remembered fondly by many across the land as the prime mover in the creation of many national parks, as well as in the preservation of wildernesses, scenic rivers, seashore and lakeshore projects, for all Americans to enjoy. Each one of these projects stands as a testimony to SID's long dedication to keep America beautiful.

These are just some of the accomplishments of my good friend who has represented the Ninth District of Illinois so ably and for so many years. His record has continually won him the admiration of his Congressional colleagues, who will surely miss him in the years ahead.

Because we were of different political parties, SID and I have not always, of course, concurred on all the issues. Over the years, we have particularly had disagreement regarding the NEA. However, all of our exchanges of opinions on the floor have always been marked by cordiality and comity. Indeed I have always enjoyed our debates in the House chamber.

I rise with my fellow Illinois delegation members to salute SIDNEY YATES for his incomparable half-century of dedication and accomplishment in the halls of Congress—a most admirable record which should well serve as a model for new members as they arrive and take up their tasks in this hallowed House. We hope he will find time on occasion to grace the House floor with this presence, so that those of us who remain may be reminded that his many past examples of collegiality and hard work should still remain important to this body.

Mr. LIPINSKI. I thank the gentleman.

I would just like to say, in concluding this special order honoring SID YATES, that there has not been a finer Member of the House of Representatives in its history than SIDNEY R. YATES of Illinois.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, 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.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), 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. Speaker, the proposed rule for the conference report to accompany H.R. 4104, the Treasury, Postal Service and General Government Appropriations bill for the fiscal year 1999, waives all points of order against the conference report and against its consideration. The rule provides that the conference report will be considered as read.

Mr. Speaker, the underlying legislation, which makes the appropriations for the Treasury Department, the Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year 1999, is very, very important legislation. Nearly 90 percent of the activities funded under this bill are devoted to the salaries and expenses of approximately 163,000 employees who are responsible for administering programs such as drug interdiction, Presidential protection, violent crime reduction, and Federal financial management. I would encourage my colleagues to support the rule as well as the conference report.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my dear friend, the gentleman from Colorado (Mr. MCINNIS), for yielding me the customary half-hour.

Mr. Speaker, I want to commend my colleagues the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. STENY HOYER) for their very hard work on this bill and congratulate them on nearing the finish line.

This year's Treasury, Postal appropriations conference report provides $13.44 billion, which is slightly more than last year's bill. This conference report will provide substantial funding for Federal law enforcement, the Customs Service, the United States Mint, the Secret Service, the General Services Administration and the Bureau of Alcohol, Tobacco and Firearms. It is money that is much needed and will, to a large extent, be put to very good use.

It also fully funds the Office of the National Drug Control Czar, which is so critical to curbing the tide of illegal drugs that is still endangering our country's economy and our constituents' safety.

Today's conference report also fixes the problem with pay for Federal fire fighters. And without this language, Mr. Speaker, Federal fire fighters would continue to be paid much less than their municipal and civil service counterparts.

After watching Federal, local and State fire fighters battling the huge fires of Florida and elsewhere, to the point of exhaustion, I can say without hesitation, Mr. Speaker, these people do deserve a raise. And if we cannot give them that, the very least we can do is make sure that all fire fighters are paid about the same money. They all risk their lives for our safety, whether the truck on which they ride has a State seal or a Federal seal. This bill will fix that inequality, which I am very happy to see.

But, Mr. Speaker, there are some more serious problems with this conference report, and one of the most troubling aspects of this bill is its provision which will basically fire the general counsel of the Federal Election Commission. It does so, Mr. Speaker, by imposing term limits, but the effect is to fire somebody who has been working very hard to protect the integrity of the American electoral process.

Mr. Speaker, I am sad to say that common wisdom is that this person is being fired because he investigated GOPAC and the Christian Coalition and, in doing so, has angered some very high ranking Republicans. I do not need to tell anybody here, Mr. Speaker, that the Treasury, Postal appropriations conference report is no place to exact political vengeance, particularly against someone who was only doing his job.

The Federal Election Commission is the agency that watches over elections. It polices Federal campaigns, making sure that candidates and interest groups are raising and spending money within the bounds of the law, regardless of which party they represent. The Federal Election Commission and its employees are charged with making sure that our campaigns are fair and that the American people are heard, and its employees should be protected from partisan attacks.

So a partisan firing of upper level staffers could have widespread ramifications for fair elections all across these United States, and I will oppose the bill for that reason.

Also, Mr. Speaker, two members of the other body feel so strongly about this issue that they have promised to filibuster if it is not resolved.

Finally, Mr. Speaker, this is the third rule which we have done for some version of this bill. And with every rule, my Republican colleagues promise to address the pending computer meltdown known as Y2K.

□ 1945

Well, here we are again, Mr. Speaker. It has been three months and still

there is no emergency supplemental appropriation bill funding the $2.25 billion we need to begin solving this problem.

Mr. Speaker, if we ignore this, it is not going to go away. Most Americans believe it is our government's job to deal with this problem. And Mr. Speaker, for us that time has come. If we do not act soon, all sorts of calamities could befall us.

The stock market may drop. Air traffic control systems may falter. Our national defense monitors could lapse. Social Security checks and Medicare payments may not go out. There could be electrical blackouts and brownouts. Telephone bills could be filled with mistakes. Mutual funds and money markets could fail. Medical equipment might not work. The list just goes on and on and on.

Mr. Speaker, the money to address this problem was in here once. There was $2.25 million in this bill to prevent that chaos that might reign from the airports to the hospitals, from the stock market to the grocery stores, when that ball drops in Times Square on December 31.

In fact, Mr. Speaker, the House even voted for a motion to instruct conferees which directed them to have the money for Y2K, but still the money is not there. In fact, they even went so far as to take it out, Mr. Speaker. They took it out of this bill. They took it out of the defense bill.

However, Mr. Speaker, I do commend my colleagues on the Treasury, Postal conference committee for their hard work. They have had to juggle a lot of competing programs in many ways. In many ways this otherwise could be a very good bill.

But, Mr. Speaker, I urge my colleagues to oppose this bill for its attacks on our electoral integrity, and its failure to address the computer problem which is threatening to bring every aspect of American life to its knees.

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

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. I see we are off to a energetic evening here with the nice buzz words, ''term limits'' and ''Y2K.'' Of course those are words that the American public understands.

But let us clarify exactly what we are talking about here. First of all, we are not imposing term limits. What we are saying is, hey, every 4 years their job performance is going to be reviewed, and if they have 4 votes in the majority that say they are doing a good job, they keep their job. If they do not, they are out of work.

Now, the average person that is watching us today, the average person that we represent out there goes through a job performance review. And we are saying, with the Federal Election Commission, they are going to go through a job performance review. Just because they oversee our elections does not mean that they are immune, that they somehow get tenure over there. We are not for granting them tenure. We are saying, do their job and they keep their job. So do not say it is term limits.

Now this Y2K problem, Mr. Speaker, come on. In my opinion that is a cheap shot. It is in the emergency funding bill. The Democrats over there know it is coming. They have not exactly scrambled to help us out. It is coming in the emergency funding bill. It is not being ignored, my opinion, by any side of the aisle. It is a significant problem in this country. And for one side of the aisle, the Democrats, to jump up and start parading around that the Republicans are ignoring this is unfair. It is patently unfair for they to make a statement like that.

Both of us have a problem. Let us not spend our time attacking each other, saying the other party is not doing anything about it. Let us focus on it. We are putting the money in the emergency funding bill. Be fair with the people here and let them know. Sure, it is not in this rule, but it will be here in two days.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in a few moments, after we have heard from some others, I am sure I will have a few things to say about some of the negative things that are going to be said about this rule and this conference report. But I would like to start off, I hope, on a constructive note and one in which I urge my colleagues to support the rule and the conference report because I believe that it should be passed.

This is a good piece of legislation. Even the ranking Democrat of the Committee on Rules agreed that this is an important bill that funds vital, necessary parts of the Federal Government. Let me just highlight a few of these.

As agreed by the conferees, we have $13.4 billion in discretionary spending for the coming year. That is an increase of $700 million in budget authority over the current fiscal year. The conferees, working together in a bipartisan way, have fashioned this bill to target three critical areas: enhancing the drug efforts of the Office of National Drug Control Policy and the U.S. Customs Service; second, supporting ways to reform the way IRS interacts with the taxpayers; and third, ensuring that our judicial system can respond to its increased work load by making sure that we have secure and adequate space by providing courthouse construction.

In the interest of time, let me just highlight a few of the key provisions in the bill. One, we provide $1.59 billion for drug-related activities. That is an increase of about 1 percent over 1998 levels. Included in that is $185 million for the second year of the National Media Campaign to prevent youths from using drugs, something that we know is vitally important. We have $20 million for the Drug Free Communities Act, which Member after Member has told us how important this is for their communities.

For the Customs Service, we provide $1.8 billion. That is down slightly from the President's request. It includes $54 million for new narcotics detection technologies for both sea and land ports of entry, as well as $15.2 million to address badly needed maintenance needs of the air and marine interdiction program, including, Mr. Speaker, $14.2 million to return 3 Blackhawk helicopters to operational status, to increase flight hours for the entire Customs Blackhawk fleet from 18 hours to 30 hours per month. We need to get those Blackhawks up and flying. We need to use them in this interdiction effort, and this bill provides the funds to do that.

We provide $7.9 billion for the Internal Revenue Service. This body, by an overwhelmingly bipartisan vote earlier this year, voted to reform the IRS, and we provide the funds to make that reform work so that it will be more user friendly, more consumer friendly, more taxpayer friendly.

We have $128 million over the current fiscal year for the IRS. Included in that is $21 million for ongoing efforts to revamp the IRS computer system, which is so badly in need of being upgraded; $25 million to restructure the way the IRS does business with taxpayers; $103 million for improved customer service activities; and, as my colleague from the Committee on Rules said earlier, the money for Y2K will come in a separate bill.

Mr. Speaker, I cannot say how many Members have spoken to me about their new courthouse construction projects. This is not pork barrel construction. This list comes right from the list provided to us by the Judiciary. We do not add any projects. We take just the first 14 courthouses that they have ranked as the most important ones in the United States to construct.

Last year we had a moratorium on construction. We just did not have the money in the building fund. We have been able to find it this year and we have been able to support the requests of the Judicial Conference for the coming year.

Yes, Mr. Speaker, we do have a number of legislative provisions in our bill. We have a restriction on the use of funds for abortion. That has been in this legislation for a long time. We have a requirement for the Federal Employees Health Benefit Program to provide coverage for contraceptives. We have a new title on child care services within Federal agencies. We have a new title granting lawful permanent resident status to current Haitians and, yes, as the first speaker on the

other side has already said, we have revisions to the appointment and reappointment authority of the general counsel and staff director of the FEC.

We will have more time to discuss that, and I hope that there will be some more discussion about the good provisions in this bill and why we should get this conference passed so that we can provide for the vital functions of the government to go forward.

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

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

Mr. Speaker, I am sorry if my dear friend, the gentleman from Colorado (Mr. MCINNIS) thought I implied that the Republicans were ignoring Y2K. I know they have not ignored it, because they knocked it out of one bill and did not protect it in the other, so I know they are not ignoring it.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this rule should not be before us tonight and neither should this bill. The conference report was just signed about an hour ago, and now under a martial law approach it is before the House. No Member has had a chance to examine what is in that conference report, and there is one provision in the conference report which is absolutely outrageous. The best way to deal with that is to simply defeat this rule.

This bill, pure and simple, if this rule is approved, will put the general counsel of the Federal Elections Commission out of business come January. Section 514 of the bill establishes term limits for the general counsel and the staff director of the Federal Elections Commission by requiring an affirmative vote of 4 of the 6 commissioners every 4 years. This is a blatant Republican political maneuver aimed at removing the Federal Elections Commission's current general counsel, Lawrence Noble.

Why? Because during his tenure, Mr. Noble has aggressively sought to enforce election laws and has been willing to punish violators of the law from across the political spectrum. The Federal Election Commission's general counsel, Mr. Noble, suggested that the FEC crack down on soft money, because he has had to take some of these cases to court recently; for example, GOPAC and the Christian Coalition.

Section 514 would undermine the bipartisan nature of the Commission by requiring the Commission to reappoint the staff director and the general counsel every 4 years by an affirmative vote of 4. That means, in plain English, a vote along party lines would enable the commissioners of either party to dismiss the senior staff. That is wrong, and that is why editorial boards and reform minded organizations throughout the country have rightly attacked this provision as an attempt to further weaken the Federal Elections Commission and ensure that the election laws go unenforced.

The New York Times recently stated, ''This change is nothing more than an attempt to install a do nothing enforcement staff.''

In my judgment, what this would do is simply require the counsel to deal with kid gloves in dealing with either party, because if they did not satisfy both parties they would not stand a chance of being reappointed.

The best way to satisfy both parties, obviously, is to do nothing, and that is not what we need in the Federal Elections Commission. We do not need a pussycat. We need a tough tiger. We do not need a paper tiger at the FEC, but this is a prescription for creating just that.

The recent Washington Post editorial comment was correct. It said that this FEC provision is, ''In keeping with the rest of the record on campaign finance this year. The unifying theme has been hypocrisy.''

Section 514 is an unwarranted retaliatory provision aimed at undermining the professionalism and independence of the Federal Election Commission general counsel's office. It ought to be rejected.

This Congress ought to be standing for election reform. It should not be putting impediments in the way of further election reform, and that is what it does when it disarms the Federal Election Commission.

There are many good provisions in this bill, but this is not one of them. The best way to correct the problem is defeat this rule, and have the committee go back to conference and eliminate this and other egregious provisions that Members may be concerned about. I urge a ''no'' vote on the rule.

Mr. MCINNIS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman from Colorado (Mr. MCINNIS) has 22 minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 18½ minutes remaining.

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

Mr. Speaker, I cannot let the previous comments go without some call to question about those kind of comments. First of all, let us clarify it for the American public. It is not a term limit. It is a job performance. These people will keep their job if they pass their job performance.

The gentleman over here who just previously spoke is up for election every 2 years. Under his term, under his logic, because he has to face election every 2 years, he calls it a term limit. It is not a term limit. It is like what we ought to do a lot more of in this Federal Government, and that is say to our employees, your performance has to be up here. If you do not have job performance, you can lose your job.

□ 2000

That is exactly the point we are making here. You can sure tell in my opinion it is an election season when you start throwing ''job performance'' around, calling it a ''term limit,'' and then turning it around and saying ''Gosh, you are trying to get rid of the Federal Election Commission.''

I think we all have an obligation when we stand up here. Let us be accurate with the terms we use. We are not saying term limit. We are saying job performance. Job performance. If you do not perform, you are out. I want to remind the previous speaker that the majority of constituents that he represents face job performance review. If they do not perform their job, they are out. That is what you ought to face.

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

Mr. MOAKLEY. Mr. Speaker, I yield one minute to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, let us not kid ourselves: This does not have diddly-squat to do with term limits. What you want to do is to make sure that you can dismiss whoever is the general counsel of the FEC by a simple party line vote. That is what the proposal does.

The only way the general counsel can stay in office under those conditions is if he rolls over and place kissy-face with both political parties. We do not need an Election Commission that does that. We need an Election Commission that is going to police both parties, not one that is going to cave in to both parties, and you know very well that is exactly what this provision does. Quit kidding people.

Mr. MOAKLEY. Mr. Speaker, I yield one minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, the gentleman from Colorado has said on two occasions that this is just like every employee. It is not. This bill terminates the employment of Mr. Noble. That is what this bill does. It has a provision in it that he can be rehired by a vote of four to three. The commission is made up of three Republicans and three Democrats.

Do not kid anybody. This bill fires a Federal official for doing something that you did not like, and that is going after GOPAC and the Christian Coalition.

The gentleman from Colorado (Mr. MCINNIS) is right, we need to be accurate on what this bill does. That provision should not be in this bill. There are three Republicans and three Democrats, and you are correct, if four of them believe that Mr. Noble is not performing, they ought to remove him from office. But it ought not to be done on a partisan vote. That is the reason for this provision in current law, to protect the counsel and the executive director from partisan attack.

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

Mr. Speaker, it is interesting that the other gentleman there said this does not have, I forget what kind of

word he used, ''diddly-squat'' he says, about term limits, and he spent five minutes talking about how it is term limits. So I am glad that the gentleman has acceded to my point.

I would say to the gentleman from Maryland (Mr. HOYER), this is not about term limits or about anything. It is about tenure. And I am saying, by gosh, these guys, I know they look at what we do for elections, but that does not entitle them to a lifetime of employment. When do we have job performance? How do you question what these people are doing?

The gentleman from Maryland (Mr. HOYER) and I both face our job performance here in about five weeks. By the way, we have to get an affirmative vote in about six weeks for the gentleman and I to be back here in January. And what makes him any different? We are saying you have to be like other employees, just like the working Joe and working Jane out there. You have to come up with some job performance.

It does require one Democrat or one Republican, depending on the makeup, to come over and say your job performance is such that you should retain your job.

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

Mr. MOAKLEY. Mr. Speaker, I yield two minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I came to the floor today to support the rule on the Treasury conference report. I rise in strong support of it. There has been a lot of work that has gone into this bill. It is not going to satisfy everyone. It is not going to satisfy everyone on this floor. But I say to you, a lot of work has gone into this. It has touched some very important points.

Number one, the money that has been allocated for drugs. They are overrunning our communities and it is time we continue to do something about it. Customs in the area where I come from is extremely important. If we do not have Customs officials, then we do not guard our borders and guard our water, and certainly our quality of life will be decimated by the wrong people coming in through Customs.

For example, I rise also because for the first time since I have been in the Congress the Haitians receive some kind of recompense in this bill. They did not receive everything that everyone wanted, but they did receive some recognition, and about 40,000 of them, perhaps, if this bill goes through, will get a chance to get equal rights in this country and get green cards and be able to work.

I say to you that this particular rule is one that we should stand up for, and I stand here not unafraid to say that this Treasury report is one that we need. We need it to be able to pay our government workers, we need it to be able to have our borders protected, as we have always wanted, and I want to say to the rest of my colleagues, sometimes you have to vote for a thing because it is right to vote for it.

Mr. RIGGS. Mr. Speaker, I yield two minutes to the gentleman from Florida (Mr. DIAZ-BALART), a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it has saddened me to see issues unrelated to the funding of the Postal Service and the Treasury Department, those two extraordinarily important Federal agencies that must be funded, and that is our responsibility. Before we get out of Washington, we must fund the Federal Government. I am saddened to see collateral issues put in jeopardy this rule. If this rule goes down, the underlying legislation will not be able to be reached tonight.

As my colleague from south Florida stated, there are 40,000 political refugees in this country, most of whom fled Haiti after the 1991 coup there because of political persecution, and they are looking at us tonight with an extreme amount of hope and faith, and I would urge my colleagues on both sides of the aisle to remember those 40,000 human beings who are watching us tonight.

I want to thank the gentlewoman from Florida (Mrs. MEEK) and I want to thank all of those who have worked on this legislation. I want to thank Jeb Bush in my state of Florida who has called our leadership time and time again and made it a top priority of his to get this legislation for justice for those 40,000 human beings passed.

I would say to Members, let us not bring this rule down and not be able to get to the underlying legislation. It is a fair rule, it is fair legislation. There are 40,000 human beings looking at us that need this legislation to pass. Please support this rule and the underlying legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to the rule and the conference report because it permits Congress to micromanage the very agency that is charged to police our elections.

It takes an organization, the Federal Election Commission, that has been called a toothless tiger, and turns it into a helpless kitten. It allows the accused to become the jury.

The provision permits just three commissioners or just one party in a partisan way to fire the top officers at the Federal Election Commission. That means that the staff at the FEC had better not annoy anyone of either party or they are going to find themselves in an unemployment line.

I believe that some of my colleagues on the other side of the aisle are just plain going after general counsel Lawrence Noble because he is doing his job, investigating GOPAC, investigating many campaign finance abuses.

It is very frustrating to speak out against this appropriations bill because I am pleased that we won a victory for women's contraceptive rights, and I am pleased that the FEC will be fully funded. But how can the FEC go about its business of investigating campaign finance violations with a sledge hammer being held over its head?

Mr. Speaker, we spent a great deal of this spring and summer months debating campaign finance reform. It passed the House; it was filibustered and killed in the Senate. Instead of moving forward with changes that would aid reform, this House leadership is rolling back reform. It is working to fire the one person who is actually trying to enforce the law in a bipartisan manner, and it is being done under the cover of night in this rule and this conference report.

Mr. Speaker, I truly do believe that there is a vendetta by the leadership on the other side of the aisle against the FEC, and many, many editorial boards across this country agree. The Washington Post accuses Republicans of giving Mr. Noble ''the brush-off.'' The New York Times calls it ''an arrogant attack.'' The Minneapolis Star Tribune calls Noble a ''watchdog about to be muzzled by the Republican attack.''

I urge my colleagues to leave the FEC with the small amount of bite it has left by voting against this conference report and voting against this rule that would muzzle and defang the Federal Election Commission.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume, first of all to address the previous comments made up there. I always get enjoyment out of hearing those buzzwords, ''under the cover of night.'' I would concede that the hours are moving quicker now towards darkness, it is dark outside, but I would remind the previous speaker that obviously we are televised throughout the country. There is no secrecy going on there.

We have the Committee on Rules, and, obviously, all these newspapers, the three or four that the gentlewoman cited, that have been busy in their editorial pages. This is not something ''sneaking by.''

This is a good rule. I think the gentleman from Florida has a very pertinent point, Mr. Speaker, and that is there are a lot of good things that this bill will fund. This rule is important so that we can get to that; Postal, Treasury, drug interdiction and so on.

Mr. Speaker, I yield three minutes to the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, the gentleman probably should not yield me any time, because I guess sometimes I tell it too much like it is.

I am upset with some Republicans. Usually I am upset with you Democrats. But when I first came here 20 years ago, I was so principled, I just

thought there was not such a word as ''compromise.'' You had to have it your own way, and, if you did not, you voted against it.

Well, you know, we had a President of this country elected in 1980 who was a great man, and he was a great compromiser. His name was Ronald Reagan. He vetoed very few bills. He had a Democrat Congress to work with, most of the time a Democrat Senate and always a Democrat House, but, you know, to govern he knew you had to sit down and you could not always have it your own way, and he vetoed very few bills.

Well, I am standing up here tonight, and I am hearing Democrats over there, and they are complaining because there is one thing in this massive bill, hold up that bill over there, would you. There is one little paragraph in this bill, and they are so upset they are going to vote against this bill.

Then I hear my Republicans over here, and they are going to come on this floor and they are going to vote on this rule, and they are going to try to vote the rule down, our Republicans, because they do not have it their own way.

Mr. Speaker, I wonder if they ever served in the military. Not many of them did, but that is not a criteria. I wonder if they ever played on a football team, and the quarterback called a play where the wide receiver was going to go out and make a sharp left. Well, the play takes off, and the wide receiver says, ''I don't like that play; I am going the other way.'' The quarterback throws the pass, there is nobody out there, and they lose the game.

That is what you Republicans are going to do, my friends, because I can tell you that five years ago the Democrats were divided over here, and we defeated five or six or seven of their rules in the last two years they were here and they fell apart.

Do you remember that, guys? That is why you are in the minority.

Do you want to be in the minority over here? That is exactly what is going to happen. We have got a conference report here that the other body has agreed to, we have agreed to, and nobody got their own way. But there is no conference to go back to. You defeat the rule, the bill is dead.

Mr. Speaker, we have to compromise around here. If I catch one Republican coming over here and voting against this rule, I am going to invite you to go outside, because you are not a team player. This is what it is all about. So come over here and talk to me about it, but you do not vote against rules of your party.

☐ 2015

One votes to bring the bill to the floor, and if one does not like the bill, then one votes one's conscience. One votes any way one wants to, but one does not disrupt the House and kill the legislation. Think about that, I say to my colleagues. I love you all.

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

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

I was very astounded to find out how my chairman felt about Republicans. If he wants, he can bring his football and play on our side of the team.

I would just like to read at this time, Mr. Speaker, just the first sentence of a Washington Post editorial of September 28. ''Powerful Republicans are still trying to twist the appropriations process to oust longtime general counsel of the Federal Election Commission, Lawrence Noble, whom they regard as too aggressive an enforcer of the law.''

Now, that is not the Democratic committee saying that, that is not the President of the United States, that is not the leadership of the minority, that is the Washington Post.

Sure, many people may vote against this bill because of a couple of little things like this, but why did they put a couple of little things like this in the bill in the first place? They do not belong there.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Mrs. LOWEY).

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

Mr. Speaker, I rise in support of this rule on the Treasury Postal Conference Report, because the conference report includes an important women's health provision: the requirement that FEHB plans which cover prescriptions also cover prescription contraceptives.

The language passed the full Committee on Appropriations with support from Democrats and Republicans, pro-life and pro-choice. The Committee on Rules stripped it out of the bill, but I offered a rewritten amendment on the House floor, which passed. Then the same coalition of pro-choice and pro-life Democrats and Republicans defeated an attempt to weaken the language by my good friend, the gentleman from New Jersey (Mr. SMITH).

Unfortunately, the conference report also includes a politically vindictive attack on the bipartisan Federal Election Commission, and I think this is disgraceful, has no place in this legislation, and I do hope this will be eliminated in the Senate. However, because of the importance of contraceptive coverage for women across America, I will vote for the conference report.

Mr. Speaker, we are all in agreement that we want to reduce the number of abortions. Close to half of all unplanned pregnancies end in abortions. Many of these unplanned pregnancies could be prevented with better access to contraception. Contraception is basic health care for women. It allows couples to plan families, have healthier babies when they choose to conceive, and it makes abortion less necessary, which is a goal I thought we all shared.

Yet, 80 percent of FEHB plans do not cover all of the 5 most widely used contraceptives. Ten percent cover none of the 5 most widely used contraceptive methods. Meanwhile, all but one of the FEHB plans cover sterilization. Is it not clear that women and men who want to have families, who want to plan pregnancies, need better options?

It is important to understand, I say to my colleagues, what we are talking about when we talk about contraceptive methods. We are not talking about abortion, we are not talking about RU486 or any other abortion method. No abortions will be covered by this amendment. This is, in fact, clearly stated by the language in the conference report.

I just want to make it very clear to my colleagues that we are talking about providing women with the full range of contraceptive options. Women need the full range of options because not every woman can use one form or another form of birth control. Many women cannot use the pill. Its side effects, such as migraines, can be truly disabling for some. Other women choose not to go on the pill because they may be at special risk for stroke or breast cancer or something else.

So I urge my colleagues to support this rule, support this bill, and I hope we can change it in the Senate.

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

I guess there are a couple of points that I would like to make about the previous speaker. First of all, she very eloquently and correctly supports the rule. That is what is important here. We have lots of time to debate the bill this evening or whenever that debate takes place. Mr. Speaker, there is not a partisan split on this bill, there is support. This bill covers drug use, supporting law enforcement efforts, and so on.

The other point I would like to make is that I hope the Democrats that are over there that are giving a lot of weight to these editorials of recent, I also hope they have that same kind of enthusiasm on the other editorials out of these newspapers, a couple hundred of them that have come out in the last couple of weeks on another subject.

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

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I appreciate the gentleman yielding me this time.

I am pleased that here on the first day of the new Federal fiscal year we are debating one of the appropriations bills, but the tragedy is this is the first day of the new fiscal year and we do not have a concurrent budget resolution in place.

How does it happen that this body, which has committed itself to abiding by its own rules and by the legislation in the Budget Act, has not been able to work with the body at the other end of the building and develop a concurrent budget resolution? We do not have a road map for the budget process. It is a failure of leadership.

Mr. Speaker, this is the first time in the 24 years that we have had a Budget Act on the books that we have not produced a concurrent resolution. Last Saturday, we stayed in session and we debated and we voted on tax cuts. I think virtually every Member in this body would like to see tax reductions. The question was, do it now or defer it until we have balanced the budget without using Social Security. It was an important debate. But it certainly would have been helpful, again, if we had had a concurrent budget resolution to provide some guidance as to how we are to make decisions regarding Federal fiscal policy. It is unfortunate that we are debating appropriations bills for 1999 without a budget resolution.

Mr. Speaker, I urge that each Member of this body press upon the leadership the importance of our having a budget resolution. Hardly a week goes by that we are not telling State and local governments, the United Nations, International Monetary Fund, the World Bank or others that receive Federal funds that they ought to have a sound budget process, and here in Congress, we do not even have the wherewithal to adopt a current budget resolution.

Mr. Speaker, I hope that we proceed with these appropriations bills and do the best we can under the circumstances, but hopefully we will not repeat this tragic situation in 1999, but instead, we will move forward and have a budget resolution and provide guidance for where we are headed with this country and its fiscal policies into the next century.

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

I cannot help but note the gentleman's comments about failure of leadership. I would challenge the gentleman: let him try and get together a body that has 535 different Members from 535 different locations around this country with 535 different philosophies, with thousands and thousands of different projects, whether it is Social Security or highways or military or the Y2K funding, and let him try and pull them all together. It takes some challenge.

I think we have leadership out there, the fact that we are here at this point. Of course it tests leadership.

The key here is that we always get into this kind of crunch time on an appropriation process. It is just like a family budget. In my family, my wife exercises her leadership pretty toughly, I might add, towards the end of a month when it gets to crunch time, but that is not a failure of leadership, that is a presentation of leadership.

The key here is the rule, and that is what we have to come back and focus on. The gentleman from Florida and the chairman of the Committee on Rules said, look, I thought his football example was excellent. We are going to throw I mean a bill that has a lot of good things about it, a lot of merit in it. There are Democrats and Republicans that support this bill. But if we kill this rule, which some people are set on doing this evening, we set those needs and those issues for a lot of those districts and a lot of people in this country back a few steps. It is not necessary. Let us go through this rule, let us pass the rule, and let us have fair debate following the rule, and that is what passing the rule will give us the opportunity to do.

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

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I would simply like to emphasize that here we are in the 24th year of a process in which we have required of ourselves a concurrent budget resolution, and this is the first time in 24 years that we do not have one. That is why we have a failure of leadership.

Mr. MOAKLEY. Mr. Speaker, may I inquire as to the remaining time for my dear friend from Colorado (Mr. MCINNIS) and myself?

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman from Massachusetts (Mr. MOAKLEY) has 5½ minutes remaining; the gentleman from Colorado (Mr. MCINNIS) has 11 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, may I inquire of the gentleman from Colorado how many speakers he has remaining?

Mr. McINNIS. Mr. Speaker, at this point it would be myself and the gentleman from Arizona (Mr. KOLBE), and I intend to yield him the last 5 minutes, so it depends on the number of speakers on the other side.

Mr. MOAKLEY. Mr. Speaker, I just have one speaker, so if the gentleman would yield to one of his speakers, and then I will yield to my speaker.

Mr. McINNIS. Mr. Speaker, what I would prefer instead is for the gentleman to go ahead with a speaker, and then I will comment and we can wrap it up with yielding the balance of the time to the gentleman from Arizona (Mr. KOLBE).

Mr. MOAKLEY. But, Mr. Speaker, I understand that the gentleman from Colorado has only himself and the gentleman from Arizona (Mr. KOLBE).

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

Mr. MOAKLEY. Mr. Speaker, I think I understand.

Mr. Speaker, I yield the remaining time to the gentleman from Maryland (Mr. HOYER), the ranking member of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations.

Mr. HOYER. Mr. Speaker, it is difficult being a ranking member on a committee where the bill that confronts us is a good bill. I said that in the Committee on Rules, I said that to the gentleman from Arizona (Mr. KOLBE), I said it to others, and I will say it when we consider the bill. It is a good bill because as the Committee on Appropriations is required to do, if it is responsible, it gives the necessary resources to agencies to accomplish the objectives that the American people expect of them; and indeed, that this Congress expects of them.

In particular, I want to congratulate the gentleman from Arizona (Mr. KOLBE), the chairman of our subcommittee, for his tenaciousness in ensuring that agencies can effectively carry out their responsibilities. That is particularly the case as it relates to law enforcement and the fighting of the drug scourge on our borders and within our communities.

Mr. Speaker, this bill almost, I believe, is the best bill that this committee has reported out in the last 3 years. In part that was because we had sufficient resources to fund agencies. Not all they wanted, but sufficient.

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Mr. Speaker, therefore, it is with a great deal of regret that I rise, because we have included in this bill a number of extraneous provisions. All of them, without fail, were argued in a bipartisan fashion. That is to say that there were some Republicans for them and some Democrats for them, some Republicans against them and some Democrats against them.

One provision, however, is, I believe, without exception opposed on our side of the aisle because it is, I believe correctly, perceived as a totally partisan, inappropriate attack on the FEC.

I have heard my good friend, the gentleman from Colorado (Mr. MCINNIS) say that this was just like any other employee. He and I disagree on that proposition. In point of fact we have an individual, Lawrence Noble, a staff member, not a commissioner, who can take no action without having four votes, which means that he needs at least one Republican to authorize action of the Commission, because there are only three Democrats, and four votes are required.

Mr. Noble has taken some actions which have annoyed just about everybody on both sides of the aisle. In fact, more complaints have been made against Democrats, 38 percent, than Republicans, 32 percent. In fact, 80 percent of the Democrats have paid their fines, 51 percent of the Republicans have paid their fines. So in point of fact, it ought to be Democrats from that perspective who ought to be more annoyed at Mr. Noble, because he apparently has been tougher on us.

But in the performance of his duties, he concluded that actions were appropriate to be initiated against GOPAC and against the Christian Coalition for campaign actions which they had undertaken, just as he would take it against the Clinton campaign or the Bush campaign or other Republican and Democratic campaigns.

It is our belief, notwithstanding the fact we have been told we are in error on this, but it is our belief that this bill and the provision regarding Mr.

Noble, which terminates Mr. Noble's tenure, because by this bill his tenure is terminated as of January 1, 1999, 90 days from today, I do not recall a bill firing a Federal employee before. Perhaps there has been, but I do not recall it. I do not recall it.

We would have hoped that during the consideration of this bill, that some compromise could have been reached. I brought to the attention of the conference that one of the Senators in the other body has indicated that he is going to filibuster this bill if this provision is in there, so the conference report probably cannot pass the other body.

Mr. Speaker, I am going to vote against this rule. I regret that, but I see no other way to indicate my opposition to this provision. I do not know what I am going to do on final passage, because the chairman has worked very hard, and I repeat again, this is a good bill. I would hope that my colleagues would join me, and that this provision would be taken out of this bill before, again, it is offered to us for passage.

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

Mr. Speaker, the gentleman from Maryland (Mr. HOYER) is an exceptionally bright, very capable gentleman, but I would point out that he says that he cannot think of another Federal employee who has ended their tenure like that. There are 435 sitting on this floor. In 30 days, every Member in this House has to, by affirmative vote, prove to the constituents that he or she has done the kind of job performance that would allow them to continue. We do the same thing. We go out to our judges.

What we are saying here, the gentleman can pull out of the air the Christian association or some of these other examples. That is not this. We are saying here, hey, one party, by the way, with three votes could get this guy a job for the rest of his life, or some gal a job for the rest of their lives. We are saying, job performance. If they perform, they keep the job. That is what we have to say. Right now, there is no accountability, in my opinion, from the Federal Election Commission. We are asking for accountability.

Mr. Speaker, I yield 7 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Colorado for yielding time to me. I want to especially thank the chairman of the Committee on Rules for the comments that he made earlier. I think he is right on target.

Mr. Speaker, this is about getting a bill to the floor. This is about the necessary compromises that have to be made in the legislative process that all of us learn very painfully as we go through this process. We do not get everything we like. There are things in here which I would prefer not to see in here.

Mr. Speaker, this is about compromise. It is about teamwork. But as I listened to the arguments from the other side for the last hour, I think the comment that was made by the distinguished ranking member of the Committee on Rules at the outset put it right into perspective. He said, this is really about firing one person. This is about one person. This whole bill, this whole rule, is about one person.

Who here tonight is going to say that this one individual, this general counsel of the Federal Elections Commission, is not a powerful person? Here we are, threatening to take down a $27 billion appropriation bill that supports 163,000 good working men and women in the Federal Government. We are going to take it down because we do not like what it is doing to one single person. We want to save the job of one career bureaucrat.

We are willing to take down this bill, this appropriation bill, because one person, the minority says to us tonight, may not be able to muster up four votes to save his job; a majority, that is how we pass bills around here, a majority of the Federal Elections Commission, to save his job. That is what this debate tonight is all about.

Mr. Speaker, we are willing to defeat this bill, that gives the Customs Service another $15.2 million to put 16 Black Hawk helicopters in the air, to increase their flying time from the current 18 hours to more than 30 hours each month. We need those Black Hawks along the border, I can tell Members that. I represent one of those areas. We need those in the drug interdiction fight. This bill gives us the money to put those helicopters back in the air, to give them the time to fly, to help them interdict against the drugs.

Who says the general counsel of the FEC does not have power? He can ground the entire Customs Service fleet of Black Hawk helicopters in order to save his job.

The Democrats are willing to sacrifice $7.9 billion for the Internal Revenue Service, including $103 million for customer service initiatives, $25 million in restructuring and reform, to keep one man in his job. By a huge bipartisan vote earlier we passed IRS reforms on this floor. This gives us the money to put those into place, to make the IRS a more taxpayer-friendly, a more consumer-friendly place. But no, some people are willing to sacrifice this bill and the money it has for IRS reforms to save the job of one career bureaucrat.

The fact is, we do not fire the current general counsel, we simply require that he has to get a majority of the votes from the Federal Election Commission in order to stay on the job every 4 years. The FEC is supposed to be a bipartisan group. If the general counsel cannot get a bipartisan vote in order to stay on this job, then why should he stay on for a lifetime? Why should he not find other employment? The fact is, the House of Representatives here is debating the job security of one single person in the United States government who apparently cannot get four out of six people to think he is doing a fair job. That is unconscionable.

What else are we going to sacrifice? Are we going to sacrifice $3.4 million to stop cybercrime and the smuggling of child pornography? We are talking about giving up $3.2 million for the support of the National Center for Missing and Exploited Children, $20 million for drug-free communities. Letter after letter I have had from the majority and minority side saying how important this money for drug-free communities is.

There is $185 million for the second year of a national media campaign to keep our kids off of drugs. We have a good start on that program this year, but no, we are willing to give that up to save the job of one career bureaucrat if he cannot get four votes, a majority of votes, the same thing we have to have to pass any bill in the House and Senate, the same thing we have to have to confirm any person in the cabinet or in the Federal government, when he is confirmed by the United States. No, we are willing to give that up to keep that one person.

There is $183 million for high-intensity drug trafficking areas, in areas like Dallas and Fort Worth, and a new one that is very important, central Florida; Washington and Baltimore; Miami; the Midwest, for the methamphetamine reduction. All of these are in danger.

In Southern California, Mr. Speaker, in Los Angeles, in San Francisco, in Detroit, in Chicago, in El Paso and Arizona, and yes, along the Arizona and southwest border, all of those high-intensity drug trafficking areas could be endangered, and certainly the new ones will be endangered by not passing this rule and this bill.

And oh, yes, to save this career bureaucrat's job, we are willing to give up low-income taxpayer clinics we provide for in the IRS legislation, so that low-income taxpayers can get some service from the Internal Revenue Service; and yes, provisions that Members of this body have come to me about for land transfers in Racine, Wisconsin, and a very important one in Dade County, Florida. That, too, will be lost as a result of defeating this rule tonight.

A 3.6 percent pay increase for Federal employees could be in danger as a result of defeating this rule.

Finally, we are willing to zero out the funding for courthouses, not courthouses put in here as pork barrel projects, but courthouses that come from the Federal judiciary, as their list of priorities. I am looking down here, and I see that the majority of them are in Democratic districts. These are the ones that the Federal judiciary have said are important in Little Rock, Arkansas; in San Diego; San Jose; Denver, Colorado; Jacksonville, Florida; Orlando, Florida; Springfield, Massachusetts; Biloxi, Mississippi; Cape Girardeau, Missouri; Brooklyn, New York; Eugene, Oregon; Greenville, Tennessee; Laredo, Texas; Wheeling, West

Virginia. All of those could be in danger by failing to do this.

We could lose the money for the anti-gang grant program, $13 million for that, and $27 million for the youth crime gun interdiction initiative. These are just some of the things, Mr. Speaker, that are jeopardized by the failure to pass this rule this evening.

Mr. Speaker, we should not let this rule go down, because we should not let this conference report go down. It is, as my good friend, the distinguished gentleman from Maryland (Mr. HOYER) just said, a good bill that we have worked hard on. I urge my colleagues to support the rule, support the conference report. Pass this tonight.

Mr. MCINNIS. 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 SPEAKER pro tempore. The question is on the resolution.

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

Mr. MCINNIS. 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 106, nays 294, not voting 34, as follows:

[Roll No. 475]

YEAS—106

Abercrombie
Aderholt
Archer
Armey
Bass
Bateman
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Brown (FL)
Burr
Burton
Camp
Campbell
Castle
Coble
Collins
Conyers
Cox
Davis (VA)
DeLay
Diaz-Balart
Dicks
Doggett
Dreier
Dunn
Ehrlich
English
Ensign
Everett
Foley
Forbes
Fox
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Greenwood
Gutierrez
Gutknecht
Hastert
Hastings (WA)
Hobson
Houghton
Hulshof
Hutchinson
Istook
Jenkins
Johnson (CT)
Kelly
Kim
Kingston
Knollenberg
Kolbe
LaTourette
Lazio
Lewis (CA)
Linder
Lowey
McCarthy (NY)
McCollum
McCrery
McInnis
McKeon
Meek (FL)
Miller (FL)
Moran (KS)
Morella
Myrick
Neal
Nethercutt
Northup
Olver
Owens
Parker
Pastor
Paul
Paxon
Porter
Price (NC)
Radanovich
Ramstad
Rangel
Regula
Ros-Lehtinen
Salmon
Scarborough
Schumer
Shays
Solomon
Spence
Stump
Taylor (NC)
Upton
Weller
White
Wicker
Wilson
Wolf
Young (AK)

NAYS—294

Ackerman
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Buyer
Calvert
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coburn
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Ford
Fossella
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Hall (TX)
Hamilton
Hastings (FL)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hunter
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Nadler
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Pallone
Pappas
Pascrell
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Quinn
Rahall
Redmond
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn

NOT VOTING—34

Callahan
Clay
Clement
Deal
DeFazio
Fawell
Fowler
Goss
Hall (OH)
Hansen
Harman
Kennelly
King (NY)
Klug
Largent
Livingston
Martinez
McDade
Moran (VA)
Murtha
Oxley
Packard
Poshard
Pryce (OH)
Roukema
Shuster
Smith (OR)
Stark
Tauzin
Thomas
Towns
Walsh
Yates
Young (FL)

□ 2107

Mr. MICA, Mr. SENSENBRENNER, Mrs. TAUSCHER, and Messrs. WAMP, EHLERS, HILL, CRANE, METCALF, PEASE and PICKERING changed their vote from ''yea'' to ''nay.''

Mrs. MCCARTHY of New York, and Messrs. LAZIO of New York, PASTOR, UPTON, SCHUMER, and MORAN of Kansas changed their vote from ''nay'' to ''yea.''

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4274, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 1999

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–762) on the resolution (H. Res. 564) providing for consideration of the bill (H.R. 4274) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, I was unavoidably detained on the last vote. Had I been here, I would have voted ''no.''

□ 2115

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO JUDGE CHARLES D'ARRIGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, since taking office last November, I have spoken before this House many times on the critical issues and decisions that face our nation. I would like to depart from my usual practice and speak before you this evening on an all-together different matter.

It is without question that the United States is the greatest nation in the history of the

World. In the span of a little more than 200 years, we have gone from a fledgling nation surrounded by the wilderness of nature and coldness of international isolation, to the World's only military and economic superpower. In that role the United States has been the sole protector of liberty and freedom during the World's darkest hours of this century and acted as a benevolent force to defeat and turn back the tide of fascism and communism. The greatness of America does not come from military strength or economic wealth. Rather, the greatness of America flows from the spirit of freedom and accomplishment brought about by the individuals who live in our land. I would like to take this opportunity to talk to you about one of those individuals—Judge Charles D'Arrigo.

In many ways Judge D'Arrigo exemplifies the typical American success story. The son of an immigrant father, Judge D'Arrigo attended Wagner College and Brooklyn Law School and served in the United States Army during the Second World War in the European Theater of Operations. From 1954 through 1973 he was engaged in the private practice of law, and in 1973 was elected a Judge of the Civil Court of the City of New York. In 1981, he became the Judge of the Surrogate's Court of Richard County, a position that he continues to hold and will until his retirement at the end of this year.

Being a Judge of the Surrogate Court is not an easy task. The duties of a Surrogate very often have to deal with the intimate personal and financial situation of a grieving family after the loss of a loved one. Many times those cases are compounded by acrimonious disputes. True to his nature, of always seeing the bright side of life, Judge D'Arrigo transformed his position to help young, loving couples become parents by performing hundreds of adoptions. Adoption Day in the Surrogate's Court has been turned into a Staten Island holiday season tradition. Although soft spoken, Judge D'Arrigo has stood as a champion of justice and acted as a fair and compassionate arbiter of the law. Universally respected, Judge D'Arrigo exudes the honor and integrity that highlight the importance of our justice system and the rule of law that protects individual liberty.

Judge D'Arrigo's civic pursuits extend far outside of the court room as well. With Norma, his lovely wife and partner of 49 years, the D'Arrigo's have participated in so many philanthropic endeavors, that their good works, most often without credit or accolades, are inseparably woven throughout the social fabric of our great Borough.

On the occasion of his retirement from the bench, I wish to congratulate Charles. To Norma I say, thank you for allowing us to have your husband for so long and I hope that you both enjoy this special time for many years to come.

It is my sincere hope that you both remain active participants in the community. Collectively, as a community, we would be at a loss without the gentle words, kind smiles and steely determination to perform good works that you both bring into any project.

My best wishes to Charles and Norma D'Arrigo, their three children, Shelton, Janice and Charles. And of course, their lovely granddaughter, Christin, and I thank the Speaker for indulging me in this personal commemoration.

REPUBLICAN 90–10 PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYWORTH. Mr. Speaker, and for those who join us from coast to coast and beyond via C-SPAN, we make many historic decisions in this, the people's House, and one made last week is one of the most profound, with far-reaching consequences for the better, for our Nation and our people. Because, Mr. Speaker, last Saturday in this Chamber the majority passed a plan that said, quite simply, it is important that this Congress sets aside $1,400,000,000,000 to save Social Security.

Now, it has been interesting to hear some of the debate that was bandied back and forth; to hear some of the commentators and pundits, but this historical fact is beyond dispute: Never before, Mr. Speaker, in the history of this assembly, did anyone step forward to set aside funds to save Social Security.

Oh, there were efforts to raise payroll taxes, and always it seemed the temptation of raising taxes was something to which previous majorities succumbed. But what this common sense conservative majority did in this Chamber last Saturday provides a common sense plan not only for Social Security but also for tax relief to the American people. Those of us in our common sense conservative majority call it the 90–10 plan, setting aside 90 percent of the projected surplus, again, $1,400,000,000,000 for Social Security, and using a very modest amount, comparatively, for tax relief for the American people.

Mr. Speaker, I am joined tonight for this special order by one of my colleagues from the Committee on Ways and Means, my classmate who joined me in the new majority in that historic vote in November of 1994 as a newcomer to Congress in the 104th Congress, my seat mate now on the Committee on Ways and Means, one who has worked tirelessly to provide meaningful features of this tax relief plan. At this time I would yield to my good friend, the gentleman from Illinois (Mr. WELLER), to talk about what in essence is the centerpiece of this tax relief plan, this very prudent, this long-term profitable plan for the American Nation, the centerpiece of the feature being relief from the marriage penalty. I yield to my friend.

Mr. WELLER. Mr. Speaker, I thank my colleague for yielding me some time to talk about what I consider to be a big victory, not only for the people of Arizona and Illinois but people throughout this country. It is because of the Republican majority in the last 3½ years that for the first time in 28 years we have a balanced budget. Not only do we have a balanced budget but, beginning today, October 1st, we have a surplus, more tax revenue coming into the Treasury than we are spending.

We have held the President as well as our own leadership's feet to the fires. That freshman class of 1994 said that we were going to come to Washington to change how Washington works. We have succeeded in balancing the budget, and I am proud of that. And it is kind of something new here in Washington, that we actually have more tax revenue coming in than we are spending. We are more than living within our means.

In fact, it is projected today by the Congressional Budget Office that we expect to see over the next 10 years, thanks to a fiscally conservative Congress, a $1.6 trillion budget surplus. $1,600,000,000,000 in extra surplus tax dollars that are now in the Treasury over the next 10 years because we have held the line on spending. That is a big victory.

I want to point out that the balanced budget that we pushed through Congress last year, and convinced the President to sign, contained no tax increases on the American people. No income tax increases. In fact, we gave, for the first time in 16 years, middle class tax relief to the folks back home.

The gentleman was pointing out, of course, what is a big victory for a lot of people, for all of us that are working Americans, those of us who want to see the contract with working families, the retirement contract that is Social Security, honored. And, of course, we recognize that for people like my mom and dad, and when I think of Social Security we always think about those closest to us, our family, and how government in its ways and actions affect people we love and care about.

When I think of Social Security, I think of my own mom and dad, and I think of my Aunt Mary, and my Aunt Eileen, my Uncle Jack, my Uncle Bob, and members of my family that are seniors, where Social Security is an important part of their lives and their friends and their neighbors. And for them Social Security is in good shape. But for the next generation, my brothers and my sister's generation, for the baby boomers and for those that follow, Social Security is in question.

Because of our concern in this Congress to save Social Security, to ensure that we honor the contract of Social Security for the next generation and future generations, I am proud that we set aside $1,400,000,000,000 to save Social Security.

I mentioned earlier my sister Pat, when I think of the marriage tax penalty. And I have often asked this question in debate here in the House over the past year, and my colleague from Arizona and others have joined us in this fight to eliminate what we consider to be the most unfair provision in the Tax Code, and it is a simple question: Is it right, is it fair that under our current Tax Code a married working couple with two incomes pays higher taxes than an identical working couple, with an identical income, that

lives together outside of marriage? They, instead, pay less. It is just not right that under our Tax Code a married working couple pay more in taxes just because they are married. And I am really proud that the centerpiece of the tax provisions in the 90–10 plan will eliminate the marriage tax penalty for a majority of those who suffer it.

It is really a simple solution in the way that we go about providing tax relief to married couples, eliminating the marriage tax penalty for a majority of married couples that suffer it today. It is estimated that almost 28 million married working couples will benefit from the marriage tax relief provisions in this package.

And it is pretty simple. The standard deduction is a standard deduction we take if we do not itemize. And right now the standard deduction for joint filers, in this case usually married couples always, of course, is not equal to twice what the single filer has. In fact, it is only $6,900. Now, we increase the standard deduction for joint filers to $8,300, exactly twice what a single taxpayer is able to claim. And in doing so, for 28 million married working couples they will see an extra $240 in higher take-home pay, less money they are going to send to Uncle Sam.

We eliminate the marriage tax penalty for a majority of those who suffer it with our simple solution by doubling the standard deduction for joint filers. I think of Joliet, Illinois, in the south suburbs of Chicago. $240, that is a car payment. That is two months worth of day care at a local day care center. That is groceries. That is a little extra money to help pay for school clothes for the kids. And that is real relief.

I am really proud that we made this the centerpiece of the tax provisions in this 90–10 plan. Think about it. We are saving Social Security with $1.4 trillion that was set aside. We are eliminating the marriage penalty for those who, of course, are suffering it, for the majority of those who suffer it. Twenty-eight million married couples will benefit. And there is one additional benefit, too. As my friend from Arizona pointed out earlier when we talked about this plan, what is really exciting is our goal not only to lower taxes for working Americans and working families but also to simplify the Tax Code.

One of the big benefits of doubling the standard deduction to twice that of a single filer is 6 million taxpayers will no longer have to itemize, will no longer have to use a schedule A. And in doing so, filing taxes is going to be simpler for 6 million filers. They will only need to file the 1040 EZ. That is a big victory. I am so proud that we not only save Social Security and eliminate the marriage tax penalty for so many, but this 90–10 plan received bipartisan support when it passed the House last Saturday, and I am proud to be a part of this.

Mr. HAYWORTH. I thank my colleague for the work he has done in focusing attention on the marriage penalty, one of the many features of our Tax Code that was just plain wrong. It did not make sense to penalize married couples, when other couples living out of wedlock were enjoying economic benefits as opposed to those who played by the rules, worked hard and observed the institution of marriage.

There are so many different things that we are offering in this relatively modest package of tax relief. Again, remember, we are setting aside $1,400,000,000,000 of the surplus to stay, to strengthen, to save Social Security, and only 10 percent of the projected surplus would go to tax relief. But in that package I think especially about my district and the seniors who live in my district and the many seniors who find that they have to work. As much as they would like to have the leisure time, their situation demands that they still need to earn an income.

And what we have done, as part of this bill of tax relief, is to increase the amount of money seniors can earn without losing Social Security benefits by increasing that earnings limit; to raise that, understanding that some people, A, enjoy working, they still want to be active, they appreciate the dignity of work, and they do not want to be penalized for working but; B, some folks, quite frankly, need it to make ends work. Why then would we seek to punish those seniors? And that is another area that is so vitally important.

My friend has another point to make, and I would gladly yield to him.

Mr. WELLER. I thank the gentleman. And I often think about seniors who we see working at restaurants, or they operate a small business on the side. We even see them at the arts and crafts shows. And it is just wrong that if we look at the Tax Code that senior citizens who have worked hard all their lives, and seniors are active longer, they are living longer, they want to be active longer, many want to work longer, of course they would like to have a little extra income, and it is really wrong that they are punished for working longer.

So that is why I think that raising the Social Security earnings limit to the level that we raise it makes a big difference for these seniors; that if we do not raise the earnings limit, they will have more of their Social Security benefits taxed away, and that is wrong. So by raising the Social Security earnings limit, we help a lot of seniors in Arizona, in Florida and Illinois.

And one thing I wanted to point out is that, of course, as we work on strengthening Social Security for the long term, a key part of that, I believe, is encouraging people to save for their retirement. And another provision in this tax package that I think is so important, as we help those who work hard and save a little for their retirement, for their future, is the Savers Act portion here.

And of course our colleague, the gentleman from Missouri (Mr. KENNY HULSHOF) really had the lead on this. A key member, a new member of the Committee on Ways and Means. His savers exclusion, which was included as part of this package, was a real winner if we want to encourage people to save for their retirement.

Because under this 90–10 plan we allow someone to have their first $100 in savings interest or dividend income exempt from taxes for a single taxpayer. And we also recognize, so there is no marriage tax penalty, that we allow the first $200 in savings interest for a married couple. What that essentially means is a married couple can have $10,000 in a bank account or a savings account, and the interest on that is tax free.

Not only do we reward saving for retirement, I would like to point out that is one more way that we simplify the Tax Code. It is estimated that 68 million taxpayers will benefit from exempting the first $100 for singles, $200 for couples from income taxes.

Not only will 68 million taxpayers benefit, but also it helps simplify the Tax Code. There is that Schedule B. That is where we report our dividend interest and dividend income in the taxes. And we helped simplify it because this will allow 10 million taxpayers to simplify their tax filing to the point where they only have to file one form. They will no longer need to itemize.

Think about that. Ten million taxpayers and seven million people will no longer need to file a Schedule B. So 17 million taxpayers will see their tax filing experience, which no one likes, simplified. That is a big victory. I thought it was important to point that out.

Mr. HAYWORTH. One of the things we have learned since coming to the Congress of the United States is just how important it is to listen to our constituents. When I was back home over the district work period, holding in excess of 30 town hall meetings, what I heard time and again from the folks who live in the Sixth Congressional District of Arizona is that they wanted to see now, as we move to the policies of surplus, that we set aside the surplus for three things: that we save Social Security; that we help pay down the debt, the $5.5 trillion debt, which hangs over the heads of our children; and that we understand again a hard and basic truth that has been difficult for folks inside the District of Columbia to understand, and it is a simple statement, very commonsensical, but sometimes the logic escapes people here, and it is this notion: that the funds that come from the pockets of American citizens belong to those citizens, not to the government.

To the extent possible, working people should hold on to more of their hard earned money and send less of it here to Uncle Sam, and that is the logic and the notion behind tax relief.

Mr. WELLER. The gentleman has brought up a really good point. As we

have shared many times in our conversations, we have talked about our districts and the good people we have the privilege of representing, I represent a really diverse district, the south side of Chicago, the south suburbs in Cook and Will counties; bedroom communities like Morris, where I live, and a lot of corn fields and farm towns.

Whether I am at the grain elevator, the union hall or the VFW or a local Business and Professional Women's meeting, I find there is a lot of common concerns, and saving Social Security, eliminating the marriage tax penalty, helping farmers, helping small businesspeople, helping families who want to set aside a little money to help put the kids through college and, of course, this 90–10 plan, accomplishes that.

I had a senior citizen come up to me this last couple of days while I was back in Illinois and he said, Representative WELLER, what I am really excited about with that Social Security savings plan and the marriage tax elimination and the other tax provisions in the 90–10 plan, is I remember when President Clinton gave his speech back in January.

Remember that State of the Union speech? The President said, let us save Social Security first and let us set aside the surplus for Social Security? I stood up and applauded and we all did in a bipartisan effort because we wanted to save Social Security.

That senior pointed out, he said, Representative, you folks did twice what the President asked for because when the President said set aside the surplus, there was $600 billion in projected extra tax revenue. Well, nine months later, there is a projected $1.6 trillion extra tax dollars now in the treasury and we set aside $1.4 trillion. That is more than two times what the President asked for. That is going to help us save Social Security not only for today's seniors but particularly for the baby-boomers and the future generations that are looking to Social Security as part of their retirement income.

I thought it was real important to share that experience and that conversation back home.

Mr. HAYWORTH. Mr. Speaker, I would point out one other fact that I hope that American citizens will keep in mind. When the President of the United States graced us with his presence and stood at the podium behind us here, he not only said that every penny should go to save Social Security, we should save Social Security first, but sadly his actions failed to reconcile with that promise. For, even as he made that promise from the podium behind us here, he subsequently spent almost $3 billion in Bosnia, which points up the other basic truth of the pitfall of the great debate that continues in this chamber and across America.

As my constituents tell me, the sad fact is, if we leave money in Washington, Washington spends the money. It belongs to the American people and that is money that should return to their pockets.

Mr. Speaker, we are joined here tonight by another colleague. I look and see another classmate from the 104th Congress, our good friend, the gentleman from Pennsylvania (Mr. FOX), who joins us here on the floor tonight.

Mr. FOX of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman from Arizona (Mr. HAYWORTH) for yielding.

Mr. Speaker, I am very proud of the efforts of the gentleman from Arizona (Mr. HAYWORTH) on the Committee on Ways and Means to lead the fight to have the tax relief and to help our seniors in saving Social Security. I know we are joined by the gentleman from Missouri (Mr. HULSHOF) and also the gentleman from South Dakota (Mr. THUNE).

I think it is important that we be able to show this collective bipartisan effort to really help our seniors make sure that Social Security is secure.

I would say to my colleagues it is interesting to note that 60-plus, the fastest growing seniors advocacy group in the United States, has endorsed this 90–10 plan, which does exactly what the American people want. They want a Social Security system that is going to be secure, and with $1.4 trillion being placed in the Social Security trust fund, that is more than twice the amount of money that has been owed from prior Congresses.

The fact that we are able to make sure the marriage penalty elimination is going to help seniors and others, and the fact that the saver's tax exemption is going to help seniors and others, and the fact that reducing inheritance taxes is going to help seniors and others, shows that we have made our first initiative here to make sure that seniors have a Social Security system that is secure; then a modest tax decrease, which I think the American people deserve. It is their money after all.

This is really a great accomplishment. I am hoping that the Senate will move forward, agree with us and then eventually have the President sign the bill as well.

Mr. HAYWORTH. Mr. Speaker, we are joined also tonight by two colleagues from the freshman class of the 105th Congress, two gentlemen who hailed from States where agriculture is of vital importance, and I look to my left, very rarely philosophically do I find this gentleman on my left, but my friend, the gentleman from South Dakota (Mr. THUNE) joins us.

Mr. THUNE. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from South Dakota.

Mr. THUNE. Mr. Speaker, I want to thank my friend from the desert, the gentleman from Arizona (Mr. HAYWORTH), for yielding and thank him for the great work that he has done on the Committee on Ways and Means and our other colleagues on the floor this evening; the gentleman from Missouri (Mr. HULSHOF), who authored the small saver exclusion in this bill, which is so critical, too, for a lot of people in this country who are trying to save some money and is going to simplify the Tax Code.

There are a lot of people who will not have to fill out schedule B in the future and that is a significant thing, and the gentleman from Illinois (Mr. Weller), our distinguished colleague, who is responsible primarily for bringing forward and making the crown jewel of this tax cut package the marriage tax penalty relief.

What I would like to do just briefly is touch on a couple of other aspects of this bill which is very important in my part of the country, and that is in the world of agriculture. I might begin by saying that the last time we had a balanced budget in this country I was 8 years old. We have been living in this culture of debt now for the past 30 years, all of my adult life basically. It is just an amazing, I think remarkable, accomplishment.

The American people should make no mistake about it. The reason we are where we are is thanks to their hard work but also to the Republican majority in this Congress who when they were elected, when they came in in 1994 and we joined them in the 1996 and 1997 session of Congress, set upon a path of getting our fiscal house in order, making the hard decisions about spending and lowering taxes, which in the end has actually raised revenues so that we are in a position now to bring some additional tax relief.

Let me just briefly say on behalf of the farmers and ranchers of the country, and certainly those that I represent in South Dakota, that this is a wonderful plan for agriculture. The estate tax relief that is in here, the death tax relief which allows farmers and ranchers and small businesspeople to pass on their operation to the next generation without having to deal at the same time with the Internal Revenue Service and the undertaker, is, I think, a real tribute to the work that was done by this committee and a real asset and a real benefit to the producers of this country.

The health insurance deduction for self-employed individuals is critical. There are so many people in this country who are not able to deduct the premiums that they pay for health insurance policies and this allows for that to happen; an average benefit of about $382 to some 3.3 million people in this country who will benefit from that provision in the bill.

There is a small business expensing provision which will allow farmers and ranchers again the benefit of increasing the amount that they can expense out, and also a loss carryback provision for those who are experiencing losses, and there are a lot of them in

my part of the country right now who, due to the price disaster, are losing money. It has been a tough couple of years, but they can take those losses and offset them against more profitable years and get a refund this year, which will tremendously help the cash flow situation and the problems that they are facing in trying to deal with the working capital they need to stay in business.

These are all provisions, in addition to income averaging which makes permanent that provision that allows farmers to spread out their income over time, and thereby lessen their tax liability in any one year. Farming and ranching is a very volatile industry when it comes to the income that they generate, a lot of ups and downs.

There are many provisions in this that are good for agriculture, and I think it is just remarkable at the same time we were able to dedicate $1.4 trillion to saving Social Security and be able to help the farmers and ranchers of this country who desperately need help right now, who are trying to recover from the economic crisis they are in, in the form of tax relief.

I think this is a wonderful package and one that I hope we can move forward in the Congress, and I want to give credit to those of my colleagues who were instrumental in the Committee on Ways and Means and my friend, the gentleman from Pennsylvania (Mr. FOX) here as well who is on the floor this evening. I look forward to moving this and advancing it in the process in the hopes that we can make it the law of the land and help out those people across this country who have worked hard to give us the surplus and who deserve to have some of it back.

Mr. HAYWORTH. Mr. Speaker, let us not forget that a previous liberal Congress put upon the American people the largest tax increase in our history. Indeed, to quote a member of the other body on this hill, a liberal Senator from New York State, he said it was not just the largest tax increase in American history but the largest tax increase in the history of the world.

If there is one primary difference, it is this: Our common sense conservative majority believes that, Mr. Speaker, the folks who live in this country, who work hard and pay the bills, have worked very hard for the money they earn. They need to hold on to more of it and send less of it here to Washington.

My friend, the gentleman from Pennsylvania (Mr. FOX), has one point that he wants to bring out and I am happy to yield some time to him.

Mr. FOX of Pennsylvania. In my discussion previously, and I wanted to add on to what the gentleman from Arizona (Mr. HAYWORTH) said earlier, I had spoken, of course, of the programs to strengthen Social Security but also talked about modest tax decreases. I may have inadvertently said another word, but it is decreases and the tax cuts that are so important to our constituents back home. It is their hard earned money and we want to not only make sure that passes, but the private prepaid tuition plans are excellent. The bond value caps can help us with affordable housing, and also to help us with the school construction. All by having tax cuts, we are helping our communities. It is the opposite of what we had in the prior forty years with democratic rule, with tax increases which actually hurt us from having more jobs in the private sector.

Mr. HAYWORTH. Mr. Speaker, now to my right, fittingly, although he stands at the other microphone here in the well, it is another newcomer in this 105th Congress, the gentleman from Missouri (Mr. HULSHOF), who has played a major role on the Committee on Ways and Means in bringing the tax bill to the floor and seeing its subsequent successful passage here in this chamber.

Mr. HULSHOF. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Missouri.

Mr. HULSHOF. Mr. Speaker, I thank my friend, the gentleman from Arizona (Mr. HAYWORTH) for yielding.

Mr. Speaker, the gentleman from Pennsylvania (Mr. FOX) has it just right. There is so much about this tax cut package that is to like. When we had this debate last week, as the gentleman knows, there was a lot of discussion and a lot of rhetoric being thrown around by our friends on the other side, especially when we talked about Social Security.

The beauty of this particular provision is that we want to take 90 percent of the projected surplus and put it aside to save Social Security; surplus funds, not monies needed to balance the Federal checkbook.

In fact, I came, Mr. Speaker, to this very floor and caused, I think, a little consternation because I had ten one dollar bills in my hand and I said, we have been talking in trillions and billions of dollars and sometimes that is a difficult concept to grasp, these numbers with so many zeroes. Let us think of it this way, and I had ten one dollar bills.

We wanted to take nine of those ten and fold them up and put them in our pocket and put that aside to save Social Security, to make sure that Social Security is there not just for today's seniors but for tomorrow's as well. Simply, what we want to do is take one dollar of the surplus funds, one dollar out of ten, and leave it in the pockets of those who earned it.

I am troubled by the statements made at the other end of Pennsylvania Avenue and talks of potential vetoes. In fact, the White House even said that we were, quote, squandering the surplus, squandering the surplus, by letting the American taxpayer keep what is rightfully his or hers.

There are so many things in this particular provision. The gentleman from Illinois (Mr. WELLER) is exactly right. When trying to at least make a down payment on the elimination of the marriage tax penalty, we have much further to go, but certainly when my wife and I a few short years ago stood at the altar and said I do, it was not I do want to pay more in income tax, and yet that is the plight of many married couples in this country.

Simply by investing in the institution of marriage, their tax bill has gone up. I think that this provision does a good job of trying to level the playing field.

As the gentleman from South Dakota (Mr. THUNE) talked about, farmers and ranchers who are having a difficult time right now in this country, there is relief for those farmers and ranchers, small businesspeople, with the death tax. All of those things are addressed, as the gentleman from Pennsylvania (Mr. FOX) talked about, the head of our economic development back in Missouri wrote a letter on behalf of our governor, a democratic governor as it turns out, urging us to increase the private activity bond cap because of the affordable housing issue. It is addressed in this bill.

□ 2145

One of the things that I want to visit about is something that we have worked on specifically that would leave that dollar of that surplus money in the pockets of the low and middle income people in this country, and that is those who try to save, those people who try to put away their pennies and nickels. When you think about it, Mr. Speaker, they are being punished for their thrift.

I happen to have a 1040 form over here, modified just a bit, with a big circle and a slash. But when you think about, and I know this is maybe painful for you to think about April 15th of each year, but when you think about having to pull out the files and start to fill out your 1040, as we do most spring months, obviously most taxable income of most Americans is wages and salaries.

But when you consider that those of us that are able to put aside a little bit into a money market account, or maybe an interest bearing checking account, and any interest that we earn is being taxed, it is included in taxable income. And you carry it down here and you are being taxed on that amount, as you are the rest of your income, when many other countries actually provide some more incentives for their citizens to save and invest.

What this bill does is simply allow an exclusion up to $400, if you are a married couple, as the gentleman has been talking about with married couples, allowing joint filers to exclude up to $400 of interest or dividend income, to not be taxed, to put that back perhaps into other investments.

The Congressional Research Service has recently done a study just on this small saver provision that said this proposal would really benefit the low

and middle income taxpayers, because it hits them more proportionately than it would somebody down at Wall Street. Of course, having thousands of dollars in investments a $400 exclusion is not likely to help that individual very much.

As the gentleman from South Dakota talked about a moment ago, not only is this good in a broad-based way as far as providing relief for millions of taxpayers, the small saver provision is helping 68 million taxpayers, but, more importantly, it is an issue of simplification.

I know a year ago when we had the debate about taxpayer relief of 1997, one of the constructive comments was this was not something that added to simplification of the Tax Code. This bill we passed in the House does just that.

As the gentleman talked about, how many millions of taxpayers will not have to itemize any longer, just because of the marriage tax penalty elimination? I know that certainly millions of taxpayers will no longer have to fill out this Schedule B form, the interest and dividend income exclusion. So we are simplifying the Tax Code.

By not requiring those additional calculations and forms, some I think 10 million Americans will no longer have to file a 1040, they can file a 1040 EZ just because of the small saver provision. Seven million will not have to trouble themselves with the Schedule B if this small saver provision is signed into law by the President. So not only are we providing broad-based relief, we are simplifying the Tax Code, which I think is something even our friends on the other side support.

Mr. HAYWORTH. I thank my colleague from Missouri. As we take a look at the many different provisions, and as I hear my colleagues remark on the different provisions that benefit hard working Americans, Mr. Speaker, I am reminded again of the many town halls that I have held back in the 6th District of Arizona, and I hear from people, and perhaps we ought to change the nomenclature, because we so often casually refer to small business. I think, Mr. Speaker, we should change that notion and redefine small business as essential business, because really those essential businesses, not with thousands upon thousands of employees, but those smaller enterprises, sometimes called mom and pop operations, indeed form the backbone of our economy, for those essential businesses, or, in common nomenclature, those small businesses employ more people than the corporate giants.

Especially for those Americans who are self-employed, how much I have heard at town hall meetings, ''Congressman, I am self-employed. When can I deduct my health insurance costs like the big guys in corporate America?'' And this bill does that, allowing for 100 percent deduction of health insurance premiums for the self-employed, including so many of our hard working constituents down on the farm.

My colleague from Illinois, raised on a farm, understands what this means. How vital it is that we accelerate that, how important it is for so many Americans who have waited for so long to enjoy what others in corporate America at least have not taken for granted, but have benefitted from in years past with our Tax Code.

The gentleman from Illinois.

Mr. WELLER. Mr. Speaker, I would like to thank the gentleman from Arizona for yielding. The point the gentleman is making is such an important one. We often talk about small business, and I consider small business to be Main Street, and, of course, two-thirds of the jobs that are created in our Nation and our economy every year are small business.

I meet on a regular basis with a group of women entrepreneurs in the south suburbs, and they made a point to me that I took to heart, a lesson. They said when you think about small business issues, small business issues are women's issues, because the majority of new businesses that are created and started every year today, the majority of them are started by female entrepreneurs. In the State of Florida, two-thirds of new entrepreneurs are female, are women entrepreneurs.

I think that is why what we did last year with restoration of the home office deduction is so important, because many of the women entrepreneurs, they start a business in the home.

Of course, then the health insurance issue is so important, not just to women entrepreneurs, but to male entrepreneurs and all small business people and farmers and entrepreneurs. When you think about it, our goal is to make sure that health insurance is affordable for everyone. Our goal is giving everyone access to affordable health care. Of course, we should really work to achieve that goal.

This is a big step, because by giving the self-employed, the entrepreneur, the same tax deduction that the big corporations on Wall Street get, it is an issue of fairness. We are working to bring fairness to the Tax Code by helping these entrepreneurs, which I pointed out earlier the majority of are female-owned enterprises, that is a big victory.

But the 90–10 plan is good for education, and helping our schools and those who want to send their kids to college and local schools has been a priority in this Congress in the last four years that I have had the privilege of serving here.

I think it is important to note that some of what some people say are the smaller provisions in this tax package actually are pretty important.

Last year we gave tax exempt treatment to prepaid college tuition programs for state universities, such as the University of Illinois and the other state universities in the State of Illinois that offer them. States like Pennsylvania and others do as well. But we bring fairness to the Tax Code by extending that same tax exempt treatment to the small private colleges, schools such as St. Francis and Olivet Nazarene University and Lewis University in the district that I have the privilege of representing now will be able to offer prepaid college tuition programs and help parents who want to send their kids off to college in a few years be able to make the tuition much more affordable. That is a big victory.

I also represent a growing suburban and urban district. One of the challenges we have in the older urban areas is the school buildings are older. We have maintenance, and we want to wire them with fiber for computers, and keep the technology up as well as keep the roof from leaking, they need help.

Last year we passed a school construction bond program as part of the tax package. We also provide over $1 billion in school construction bond assistance to not only the old urban schools in need of repair, but also help those suburban school districts in need of adding additional classrooms. I think that is very, very important.

Of course, raising the bond cap, as my colleague from Missouri pointed out, it is so important. We provide for a 50 percent increase. That is to be a big help in states like Illinois, not only helping to provide affordable housing for working and moderate income families, but also in helping infrastructure, such as helping expand our schools.

I think it is important to point out that this tax package helps married couples, family farmers, small business people and entrepreneurs, and also those who want to send their kids off to college, and helps schools add on additional classrooms and keep the roof from leaking.

Mr. HAYWORTH. I thank my colleague from Illinois for raising this part of this very human equation, because there is a temptation when we start talking about tax bills and tax relief to somehow put on the green eyeshade and pull out the calculators or the slide rules and deal with numbers, and, please, do not get me wrong, the numbers are important, Mr. Speaker, especially the $1.4 trillion which we pledged to set aside for Social Security.

But, moreover, there is a concept here that my colleague from Illinois touched on, and it is this: There are those in this city who still fail to learn the lessons of history, who would still have us believe that a centralized bureaucracy can make decisions for your family, for your school district, sadly I suppose ultimately for your children in a lot of ways, and I think our new common sense conservative majority says this: That we believe education is too important to leave up to Washington bureaucrats. There is no way that folks inside this beltway can micro-manage education. Indeed, sadly, one need only look to the schools inside this District

of Columbia to see what disarray can befall an educational system at the hands of big government solutions and more and more spending with less and less accountability.

So what we are saying in this tax bill is for local school districts, to have provisions that they can use for capital improvements, for construction, for renovation. As my colleague from Illinois points out, that is the key. We understand that not all the answers exist inside the Beltway in Washington D.C., and we are better served when we transfer money, power and influence out of Washington and back home to people on the front lines, living their lives, educating their kids, and seniors in the dignity of retirement.

Mr. HOLSHUF. Mr. Speaker, if the gentleman would yield, there is another provision in this bill that I think has not been getting a lot of attention, and I know last year when we were debating tax relief, that we heard the mantra, the weary mantra from the other side, ''tax breaks for the wealthy.'' Yet in this particular bill, a colleague from the class of 1994, the gentleman from Oklahoma (Mr. WATTS) working with another colleague from Missouri, a neighbor of mine, the gentleman from Missouri (Mr. TALENT) from the 2nd Congressional District, the Watts-Talent Community Renewal Provision, again, to set up I think 20 separate empowerment zones, especially in these areas, you were talking about the schools, but especially in these inner-city areas that have become blighted, where we have seen businesses that have fled from those inner-cities to the suburbs. This particular provision would have zero capital gains for private industry that chooses to go back into the inner cities, to revitalize and renew those communities. That provision is in this bill as well and has not been getting much attention.

Again, I think what all of these very strong provisions, I dare say that I do not understand how the White House can talk about vetoing, and that is casting aside this very good tax package, with all of the things included, plus this very important community renewal provision that has been cosponsored by the gentleman from Oklahoma and the gentleman from Missouri.

Mr. HAYWORTH. Again, there are so many positive provisions of this bill that I think all of us on this floor stand in amazement to hear the mindset of those on the left who, after 40 years time, never set aside a single penny for Social Security, Mr. Speaker. That is right, zero, zip, zilch, nada, not even an idea of how to set aside funds to save Social Security.

Yet to hear the tired old chorus, they would have you believe some sort of cynical mumbo-jumbo that this is something that Americans are not entitled to. It is some sort of gimmick.

No, Mr. Speaker, I think all of us on the floor and those of us who voted for this common sense tax policy say quite the contrary: This is not a gift to the American people. This is money that belongs to the American people. We do not sit here and deign to give them a pittance of what they sent in to Uncle Sam. It is their money to begin with.

So, Mr. Speaker, tonight as we continue to review these provisions, let us respectfully take issue with those who time and again come to this floor, or sadly on an annual basis to the podium behind us here, and display a mindset that would seem to suggest that tax relief for working people is candy or dessert or some special gift, as if it is an accident.

□ 2200

Indeed, Mr. Speaker, the group here on this floor right now and other colleagues in this majority were sent to Washington precisely because the American people understand that they are not selfish for wanting to provide for their own families; that they are not selfish for wanting to have a greater control of their own destiny and their own futures; that they are not selfish for saying to Washington bureaucrats, we earned this money. We want to see a strong Federal Government, but not a government powerful enough to take away everything we have. That is the difference. Tax relief is not selfish; tax relief undergirds the notion of individual freedoms and a sense of responsibility.

I yield to my friend from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman from Arizona. The fact is that we would not be having this happy situation of a possible tax decrease if it were not for the fact that an historic balanced budget was adopted by the Republican-led Congress which has led to reduced costs for mortgage interest for the home, reduced costs for car expense loans, and reduced costs for education expenses. That has helped to spur the economy, have helped to increase employment, more people having jobs. The whole economy, we have seen it in the stock market, we have seen it in Wall Street, and we have seen it on Main Street, and that has led to the opportunity for what I believe should be a bipartisan tax decrease and a Social Security system that will be strengthened because of the passage of this bill.

We thank those of our colleagues who are on the Committee on Ways and Means for their leadership in starting the committee process.

I yield back to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, it is just a common sense notion. Money does not belong to Uncle Sam, it belongs to the hard-working people of the United States, and those hard-working people ought to hang on to more of it and send less of it here to Washington.

The gentleman from Illinois.

Mr. WELLER. Mr. Speaker, I thank the gentleman from Arizona for yielding.

I think one good point to make, I was of course walking down the street in Joliette the other day and the President had just given a little talk, and, of course, he said we should not ''squander'' was his term the surplus on anything except his priorities. What I found interesting is that the President ignores that we are setting $1.4 trillion, or $1 trillion, 400 billion in surplus tax revenue to set aside to save Social Security, and, of course, the remaining 10 percent we give back to the American people.

What the President for some reason does not want us to know is that I, growing up on the farm, as my friend from Arizona, I say, judge someone not by what they say, but by what they do. The President says we cannot squander surplus tax revenues on a tax cut for families because we have other things we want to use it for.

The President opposes what is a pretty modest tax cut, a $16 billion tax cut next year, but he turns right around and proposes spending $20 billion of the surplus tax revenues on defense spending and on the State Department and other things that he feels are important.

So he does not want to give back to the taxpayer that extra tax revenue; he wants to spend it. And that is why it is so important that the 90–10 plan be enacted. Because what is exciting I think really for the folks back home is the 90–10 plan, by setting aside 90 percent of the budget, the surplus, extra tax revenue for saving Social Security and giving the other 10 percent back in tax relief is we prevent those politicians who ran up the massive deficits over the last 28 years from spending it. I think that is a big victory.

I also would like to point out another provision in this tax bill. I think that it is also very important, one of those we do not hear about as much. All of us here, the 4 of us here are strong supporters of welfare reform, and whether one is liberal or conservative on welfare reform, I think we all agree that we want to have jobs there for those who are on welfare so that they can raise themselves up and become an active part of the community and a taxpayer and join the work rolls and get off of the welfare rolls. One of the key provisions that is in this legislation is we continue, and we extend, a streamlined work opportunity tax credit, a tax incentive for the private sector to give those who are on welfare an opportunity for a job. That is a big victory, I believe.

I think of the area in the south side of Chicago and in the south suburbs, where many communities are impoverished, older industrial communities, and there are those, even though the economy has been pretty good, who are still on welfare, who would like to have a job, and because of the work opportunity tax credit, we have now seen thousands of Illinois welfare recipients having the opportunity to go to work. In fact, I can think of about 6 companies that have provided almost 3,300

jobs in the Chicago area to former welfare recipients, giving them the opportunity to lift themselves up and go to work. That is a big victory.

That is why this tax package is so important. The President and his friends would like to spend the surplus on the State Department and military missions in Europe and so-called other spending priorities that the President has, but that is $20 billion next year he would like to spend of the surplus. We are saying, now, wait a second. What we spend here should go through the regular appropriations process, should be under the budget rules and be part of the budget. Instead, that extra tax revenue we should give back and use it to save Social Security.

That is what is exciting about the 90–10 plan. Under that plan we help save Social Security by setting aside $1.4 trillion, $1 trillion, 400 billion in extra tax revenue that goes to save social security, and the rest we give back. Eliminating the marriage tax penalty for the majority of those who have suffered, helping family farmers in Illinois, helping small businesses in Illinois, helping schools in Illinois, helping those on welfare in Illinois go to work, and helping those who want to send their kids to college in Illinois. That is a big victory for the kids back home.

That is why I think it is so important that we continue to work for bipartisan support. We need to convince the President that it is the right thing to do. We want to eliminate the marriage tax penalty and we want to eliminate those other unfair provisions in the Tax Code. We want to save Social Security and eliminate the marriage tax penalty. It should be a bipartisan effort. My hope is that the President will join with us.

One message I have heard time and time again back home, and that is that the seniors always say, let us keep the politics out of Social Security. Republicans and Democrats should work together to save Social Security and they should also work together to eliminate the marriage tax penalty as well.

I yield back to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague and would just reiterate his comments on welfare and welfare-to-work and what this tax bill does in providing those opportunities to extend the work opportunity tax credit and the welfare-to-work tax credit. It is so vital, because indeed, there has been a disconnection in this city with the rest of America, because this city has, and those in the Federal Government and the bureaucracy, have measured compassion by the number of people added to the welfare rolls. We say true compassion, Mr. Speaker, is exactly the opposite. True compassion is moving people off welfare and on to work.

Almost 4 million Americans have left the welfare rolls and are now gainfully employed. That is true compassion. Those are true results. And they go a long way, and this tax package will help further that endeavor.

The gentleman from Missouri.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentleman yielding. I know our time is drawing short.

In addition to one of the provisions in the bill that does not get a lot of air play, if you will, is the credit that we provide companies in this country to invest in research. Mr. Speaker, my friend from Arizona knows that technology is the key for America remaining on the cutting edge of being a world leader. In the past we have provided certain credits, tax credits for businesses who try those new ideas, who put into practice, as they ordinarily would, those innovative plans off the drawing board that they try to put into action. And that tax credit of course has expired, but now we include that tax credit, that research and development treatment so that companies and businesses, not just the big ones, but the mom and pops that think they can build a better mousetrap, that they can also have access by bringing those plans off the drawing board to make sure that we remain the most competitive among other nations across the planet, and it is something that does not get again very much discussion, but something I think that is very critical and crucial that is included in this tax plan.

Mr. Speaker, as a final point I would say to my friend and allow the gentleman to conclude, my colleagues here this evening, most of them were elected I think in the elections of 1994. As a new Member, someone who is just about to conclude his first term, there seems to be a universal attraction here in Washington between a pot of unspent money and a Washington politician. If we do not set aside this surplus money to save Social Security as we are doing, 90 cents out of every dollar, putting that aside, and then allowing 10 cents out of a dollar remaining in the pockets of the taxpayers who earned it, if we do not take the measures now, those affirmative actions now to shield off those surplus funds, it will be spent. It will be spent on big government, it will be spent on Washington.

So I very much applaud and support our efforts last week of taking 90 percent of projected surpluses, strengthening Social Security, shoring it up for the future. Again, not just for today's seniors, but for future generations of seniors, while at the same time of putting that 90 percent towards Social Security, and allowing 10 percent to remain in the pockets of the taxpayers who send it here to Washington. They deserve no less than that.

I appreciate the gentleman for allowing me to spend some time with him this evening.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Missouri, also my colleagues from Illinois, Pennsylvania and South Dakota, for coming to the floor of the people's House to discuss the people's solution, grounded on 2 realities, Mr. Speaker. Number 1, our firm conviction that the money in the pockets of American citizens belongs to those citizens. Not to Uncle Sam, not to the Washington bureaucrats, not to a burgeoning Federal Government, which has grown leviathan through the years, but instead to the people of the United States who deserve to hang on to more of their hard-earned money and send less of it to Washington.

The second notion is this firm conviction, that to fulfill the social contract, time-honored over years in this century, we believe it is vital of the surplus we are projecting to set aside 90 percent of that surplus, $1 trillion, 400 billion to save Social Security. In stark contrast to our liberal friends who, during 40 years time in the majority, never quite found the time or the inclination to set aside 1 penny. We believe we owe it to today's seniors and future generations to save $1 trillion, 400 billion which will be devoted exclusively to saving Social Security.

Mr. Speaker, I suppose it really comes down to the policies of hope and prosperity versus the politics of fear and class-envy. Indeed, one year ago the President of the United States journeyed out of the District of Columbia across the river to the Commonwealth of Virginia where on a Sunday before a statewide election he proceeded to lecture the people of Virginia, essentially telling them that if they wanted their car tax reduced, they were being selfish. For all his alleged political acumen, sadly, the President was mistaken and his advise to Virginia voters last year was overwhelmingly rejected with the election of Governor Gillmor who has worked to reduce that unfair car tax.

Now, for all 50 States and the District of Columbia, we reaffirm this basic notion. That money should remain in the pockets of hard-working Americans, not as some cynical stunt as those on the left would have us believe, but because it is the right thing to do.

□ 2215

This 90/10 plan provides, again, another modest attempt to ensure that Americans hold onto more of their money, thereby strengthening the institution of marriage, thereby strengthening the family, thereby strengthening local control of issues such as education, thereby strengthening seniors, who have seen the handcuffs taken off of the earnings limits; in short, to offer something to all working Americans, because, after all, Mr. Speaker, it is their money.

Mr. Speaker, in closing, I would address, through the Chair, the other body and those in the executive branch of government to join with us; to remain committed to the notion of a smaller, more effective Federal Government; to stay true to the notion of

Americans holding onto more of their hard-earned money.

We would ask that, in a bipartisan way, even with the reality of a pending election in a little more than one month's time, that we join together. For if we do not, Mr. Speaker, again, what we have done is offered a clear choice to the American people: Do they want to stand up for a plan that recognizes that we should save social security by setting aside $1,400,000,000,000, and at the same time offering tax relief, reaffirming the promise of our individual freedoms and individual endeavors, and the fact that it is our money? Or do we want to return to the tired, old ways of the Washington bureaucracy, and the notion that Washington, D.C. knows best?

Mr. Speaker, the choice is crystal clear. But even now, while we rejoice in difference, we would ask people to cooperate, because after all, the American people have the most to gain.

CYPRUS'S INDEPENDENCE DAY

The SPEAKER pro tempore (Mr. GILCHREST). Under a previous order of the House, the gentleman from Pennsylvania (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise tonight to congratulate the Republic of Cyprus on the 38th anniversary of its independence today. I came down to the House floor to speak about Cyprus's Independence Day because I think it is imperative that Congress take every opportunity to highlight the fact that the Republic of Cyprus does not enjoy true independence as we understand it in the United States.

For 24 of the 38 years since Cyprus became an independent State, the northern 37 percent of the island has been occupied by an illegal Turkish occupation force. Today, some 35,000 Turkish troops remain entrenched in the self-declared Turkish Republic of Northern Cyprus, which has been recognized only by the regime in Ankara. This occupation continues to destabilize the region, and sadly, the Turks appear to be growing only more and more intransigent and unreasonable in moving the peace process forward.

Despite numerous outstanding U.N. resolutions calling for a negotiated settlement, and a standing offer by Cypriot President Clerides to demilitarize the island, the regime in Ankara deliberately set the peace process back.

Over the last several months, there have been some actions by the Turkish side that have been of particular cause for concern. In May, as most of us who follow the Cyprus issue know, a new attempt to resuscitate peace talks led by Ambassador Richard Holbrooke collapsed when the Turks abruptly insisted on three new and unfounded preconditions to meaningful negotiations.

These preconditions, Mr. Speaker, were absolutely ridiculous. They prompted a public rebuke from Ambassador Holbrooke, who noted that peace talks are useless when only one party truly wants peace. Frustrated with the almost instantaneous collapse of these talks, I wrote to President Clinton urging that he adopt a hard-line policy, and use American influence with the Turkish military to get the Turks to cooperate.

Specifically, I asked that the U.S. government communicate to Ankara that there would be severe consequences in U.S.-Turkey relations if it did not prevail upon its puppet regime in Northern Cyprus to abandon these new demands and cooperate in the peace process. I have, unfortunately, seen no indication that any such message was communicated.

While I do not question the administration's commitment to bring peace to the region, I have nonetheless been disappointed with its tepid response to this newest spate of Turkish obstinance.

I am also very wary of the administration's response to another issue that I have been following closely and working on over the last few weeks. Shortly after the collapse of the peace talks, the Cypriot foreign minister was in town visiting Washington, and came to Capitol Hill to meet with Members of Congress.

At that meeting, some Members raised the issue of illegal Turkish transfers of American weapons to Northern Cyprus. This was very troubling to learn of, in light of the collapse of the peace talks, and because it was consistent with other reports of similar Turkish behavior. The illegal transfer of weapons by Turkey in fact was something I was already concerned about. On trips I had taken to Armenia, I saw firsthand American weapons that had been seized from the Azerbaijanis.

Following the meeting with the foreign minister, I decided that we ought to pursue the idea of holding congressional hearings on this topic of weapons transfers. I teamed up with the gentleman from California (Mr. BRAD SHERMAN) and the gentlewoman from New York (Mrs. CAROLYN MALONEY), and sent a Dear Colleague to all Members of the House asking them to sign a letter to the chairman of the Committee on International Relations, asking him to hold hearings.

As it was being circulated, it came to the attention of Ambassador Tom Miller. Ambassador Miller is now the State Department's special coordinator for Cyprus. He subsequently contacted myself, the gentleman from California (Mr. SHERMAN), and the gentlewoman from New York (Mrs. MALONEY), and asked if he could come to talk with us.

During the meeting, he informed me that in response to the inquiries by Members of Congress about Turkish arms transfers, the State Department would prepare a report on the matter, and that report is at this time being prepared.

In addition to the report, Ambassador Miller indicated that he would be willing to come to my district to talk to leaders of the Greek and Cypriot communities, which he did on September 13.

I have to say, Mr. Speaker, I appreciated the Ambassador's visit to New Jersey. Everyone there, myself included, told Ambassador Miller that it was our very strong belief that Turkey with not change its behavior unless it was clear that that behavior would bring serious consequences from the international community and the United States, in particular.

But our concern was that the U.S. has not indicated to the Turkish government there would be any serious response to their activities. If anything, the U.S. gives the impression that Turkey is more important as an ally today than it was in the past, and that the administration was going out of its way to show U.S. support for Turkey in the context of its application to the European Union, its strategic significance in the Middle East, and in many other respects. Even our condemnation of human rights violations in Turkey, particularly with respect to the Kurds, I think has been insignificant.

What I would like to emphasize, though, Mr. Speaker, before I conclude tonight, is that I, along with quite a few other Members, are intent on holding Turkey accountable for its actions and bringing true independence to Cyprus. We have seen success in Northern Ireland and Bosnia. With continued vigilance, we can bring success to Cyprus.

With hard work and a hard-line policy, I must emphasize, harder than we have now, we will one day surely be able to celebrate the true independence of Cyprus on a future Independence Day.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY) for today and the balance of the week on account of family medical reasons.

Ms. HARMAN (at the request of Mr. GEPHARDT) for Thursday, October 1 on account of family business.

Mr. MARTINEZ (at the request of Mr. GEPHARDT) for Thursday, October 1 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KENNEDY of Rhode Island) to revise and extend their remarks and include extraneous material:)

Mr. KENNEDY of Rhode Island, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SCAGGS, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

(The following Members (at the request of Mr. HASTINGS of Washington) to revise and extend their remarks and include extraneous material:)

Mr. FOSSELLA, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. TALENT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WELLER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today.

(The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:)

Mr. ARMEY, for 5 minutes, on October 2.

Mr. ENGLISH of Pennsylvania, for 5 minutes, on October 2.

Mr. DIAZ-BALART, for 5 minutes, on October 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KENNEDY of Rhode Island) and to include extraneous material:)

Ms. JACKSON-LEE of Texas.

Mr. KIND.

Mr. GORDON.

Mr. TOWNS.

Mr. MCGOVERN.

Mr. HAMILTON.

Mr. GEJDENSON.

Mr. BENTSEN.

(The following Members (at the request of Mr. HASTINGS of Washington) and to include extraneous material:)

Ms. ROS-LEHTINEN.

Mrs. ROUKEMA.

Mr. DREIER.

Mr. PETRI.

Mr. NEY.

Mrs. MORELLA.

Mr. MCKEON.

Mr. WALSH.

Mr. SMITH of New Jersey.

Mr. GILMAN.

(The following Members (at the request of Mr. MORAN of Virginia) and to include extraneous material:)

Mr. HOYER.

Mr. BENTSEN.

Mrs. CLAYTON.

Mr. KLECZKA.

Mr. STARK.

Mr. BERRY.

Mr. FARR of California.

Mr. KUCINICH.

Mr. BARCIA.

Mr. PALLONE.

Mr. DOYLE.

Mr. HINCHEY.

Mr. DAVIS of Florida.

Mr. GEJDENSON.

(The following Members (at the request of Mr. THUNE) and to include extraneous material:)

Mr. PORTMAN.

Mr. MCKEON.

Mr. SAXTON.

Mr. YOUNG of Florida.

Mr. CALVERT.

Mr. GALLEGLY.

Mr. SOLOMON.

Mr. CRANE.

Mr. ENSIGN.

Mr. CANNON.

Mr. NEY.

Mr. JENKINS.

Mr. CLAY.

Mr. LANTOS.

Mr. FAZIO of California.

Mr. UPTON.

Mr. STARK.

Mr. FATTAH.

Mrs. CLAYTON.

Mr. KLECZKA.

Mr. WEYGAND.

Mr. CLYBURN.

Mr. MARKEY.

Mrs. MCCARTHY of New York.

Mr. BERRY.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3096. An act to correct a provision relating to termination of benefits for convicted persons.

H.R. 4060. An act making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4382. An act to amend the Public Health Service Act to revise and extend the program for mammography quality standards.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1355. An act to designate the United States courthouse located at 141 Church Street in New Haven, Connecticut, as the ''Richard C. Lee United States Courthouse''.

S. 2071. An act to extend a quarterly financial report program administered by the Secretary of Commerce.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Friday, October 2, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11387. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acrylic Acid, Styrene, -Methyl Styrene Copolymer, Ammonium Salt; and Styrene, 2–Ethylhexyl Acrylate, Butyl Acrylate Copolymer; Exemption from the Requirements of a Tolerance [OPP–300722; FRL 6032–4](RIN: 2070–AB78) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11388. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fluroxypyr; Pesticide Tolerance [OPP–300724; FRL–6033–4] (RIN: 2070–AB78) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11389. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Mepiquat Chloride; Pesticide Tolerances for Emergency Exemptions [OPP–300719; FRL–6032–6] (RIN: 2070–AB78) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11390. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerances for Emergency Exemptions [OPP–300721; FRL–6033–3] (RIN: 2070–AB78) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11391. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Carfentrazone-ethyl; Pesticide Tolerance [OPP–300718; FRL–6032–1] (RIN: 2070–AB78) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11392. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Zucchini Juice Added to Buffalo Gourd Root Powder; Exemption From the Requirement of a Tolerance [OPP–300683; FRL–6017–5] (RIN: 2070–AB78) received Septmeber 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11393. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Air Force is initiating a cost comparison of Precision Measurment Equipment Laboratories (PMEL) Air-Force-wide, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

11394. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule—Home Mortgage Disclosure [Regulation C; Docket No. R–0999] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11395. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Consumer Leasing [Regulation M; Docket No. R–1004] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11396. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Savings [Regulation DD; Docket No. R–1003] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11397. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Electronic Fund Transfers [Regulation E; Docket No. R–1007] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11398. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Virginia; Final Approval of Underground Storage Tank [FRL–6167–7] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11399. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6169–3] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11400. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Massachusetts: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6167–9] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11401. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions; Treatment Standards for Spent Potliners from Primary Aluminum Reduction (K088) [FRL–6168–7] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11402. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District [CA 211–0102a: FRL–6161–8] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11403. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District [CA 206–0096a; FRL–6164–4] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11404. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6161–2] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11405. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6160–9] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11406. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Amendments to Title V Operating Permits Program; Pima County Department of Environmental Quality, Arizona [AD-FRL–6165–8] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11407. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Authorization of State Hazardous Waste Management Program Revision [FRL–6165–3] Receiveed September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11408. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Alaska [AK10–1–7022a; FRL–6162–9] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11409. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District [CA 206–0095a; FRL–6164–6] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11410. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuels and Fuel Additives: Modification of the Covered Areas Provision for Reformulated Gasoline [FRL–6169–5] (RIN: 2060–AG77) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11411. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Halon Recycling and Recovery Equipment Certification [FRL—6136–8] (RIN: 2060–AI07) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11412. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program: 1998 Reallocation of Allowances [FRL–6164–1] (RIN: 2060–AG–86) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11413. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Big Pine Key, Clewiston, Ft. Myers Villas, Indiantown, Jupiter, Key Colony Beach, Naples and Tice, Florida) [MM Docket No. 94–155, RM–8468, RM–8802] received September 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11414. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's final rule—Financial Assurance Requirements for Decommissioning Nuclear Power Reactors (RIN: 3150–AF41) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11415. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Technical Assistance agreement with Japan [Transmittal No. DTC 100–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11416. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 112–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11417. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 122–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11418. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11419. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees as cheifs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

11420. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severly Disabled, transmitting the Committee's final rule—Procurement List; Additions and Deletions—received September 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11421. A letter from the Chairman, Federal Communications Commission, transmitting Activities under the Freedom of Information Act for calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

11422. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018–AE93) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11423. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of State, transmitting the Department's final rule—Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1998–99 Late Season (RIN: 1018–AE93) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11424. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Threatened Status for JOHNSON's Seagrass [Docket No. 980811214–8214–01; I.D. 052493B] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11425. A letter from the Acting Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Department's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna; Closure [I.D. 090498SA] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11426. A letter from the General Counsel, Office of Community Oriented Policing Services (COPS), Department of Justice, transmitting the Department's final rule—FY 1998 Police Recruitment Program (RIN: 1105–AA58) received September 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11427. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310, A300–600, and A320 Series Airplanes [Docket No. 97–NM–107–AD; Amendment 39–10759; AD 98–19–18] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11428. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–7B Series Turbofan Engines [Docket No. 98–ANE–50–AD; Amendment 39–10758; AD 98–14–51] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11429. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; S.N. Centrair 101 Series Sailplanes [Docket No. 98–CE–49–AD; Amendment 39–10755; AD 98–19–14] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11430. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–10, -15, and -30 Series Airplanes, and C–9 (Military) Airplanes [Docket No. 96–NM–272–AD; Amendment 39–10738; AD 98–18–22] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11431. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97–NM–47–AD; Amendment 39–10739; AD 98–18–23] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11432. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes [Docket No. 97–NM–156–AD; Amendment 39–10740; AD 98–18–24] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11433. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 97–NM–290–AD; Amendment 39–10741; AD 98–18–25] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11434. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model C–212 Series Airplanes [Docket No. 96–NM–123–AD; Amendement 39–10737; AD 98–18–21] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11435. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Price, UT [Airspace Docket No. 98–ANM–12] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11436. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29330; Amdt. No. 1890] (RIN: 2120–AA65) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11437. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29329; Amdt. No. 1889] (RIN: 2120–AA65) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11438. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29328; Amdt. No. 1888] (RIN: 2120–AA65) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11439. A letter from the National Director of Appeals, Internal Revenue Service, transmitting the Service's final rule—Subchapter K Anti-Abuse Rule [Regulation 1. 701–2] received September 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11440. A letter from the National Director of Appeals, Internal Revenue Service, transmitting the Service's final rule—Tenant Allowances To Retail Store Operators—received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11441. A letter from the Acting Chief, Regulations Branch, United States Customs Service, transmitting the Service's final rule—Andean Trade Preference (T.D. 98–76) (RIN: 1515–AB59) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11442. A letter from the Railroad Retirement Board, transmitting the Annual Report of the Railroad Retirement Board for Fiscal Year 1997, pursuant to 45 U.S.C. 231f(b)(6); jointly to the Committees on Transportation and Infrastructure and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 2566. A bill to amend title 5, United States Code, to expand the class of individuals under the Civil Service Retirement System eligible to elect the option under which the deposit which is normally required in connection with a refund previously taken may instead be made up through an actuarially equivalent annuity reduction; with amendments (Rept. 105–757). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 560. Resolution providing for consideration of the bill (H.R. 3789) to amend title 28, United States Code, to enlarge Federal Court jurisdiction over purported class actions (Rept. 105–758). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 563. A bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; with an amendment (Rept. 105–759). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee of Conference. Conference report on H.R. 4104. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–760). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 4280. A bill to provide for greater access to child care services for Federal employees; with an amendment; referred to the Committee on House Oversight for a period ending not later than October 9, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X. (Rept. 105–756, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GIBBONS (for himself and Mr. YOUNG of Alaska):

H.R. 4656. A bill to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada; to the Committee on Resources.

By Mr. GIBBONS (for himself and Mr. YOUNG of Alaska):

H.R. 4657. A bill to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition by the Secretary of the Interior of environmentally sensitive lands in the State of Nevada; to the Committee on Resources.

By Mr. SMITH of Texas:

H.R. 4658. A bill to extend the date by which an automated entry-exit control system must be developed; to the Committee on the Judiciary.

By Mr. FAZIO of California (for himself, Mr. HYDE, Mr. YATES, Mr. MILLER of Florida, Mr. OBEY, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY, Ms. DELAURO, Mr. TAYLOR of North Carolina, Mr. NEAL of Massachusetts, Mr. SHAYS, Ms. CARSON, Mr. RUSH, Mr. PARKER, Mr. FROST, Mr. STEARNS, Mr. BENTSEN, Mr. ALLEN, Mr. POMEROY, Mr. UNDERWOOD, Mr. ETHERIDGE, Mr. CRAMER, Mr. WAXMAN, Mr. BERMAN, Mr. SMITH of Michigan, Mr. LEWIS of Georgia, Ms. ROYBAL-ALLARD, Mr. SNYDER, Mr. RAMSTAD, Mrs. TAUSCHER, Mr. EVANS, Mr. MALONEY of Connecticut, Mr. TURNER, Mr. ENGLISH of Pennsylvania, Mr. MATSUI, Mr. BAESLER, Mr. LUTHER, Mr. SANDLIN, Mrs. MYRICK, Mr. HILLIARD, and Mr. FORBES):

H.R. 4659. A bill to amend the National Child Protection Act of 1993 to ensure that elementary and secondary schools are included as a qualified entity; to the Committee on the Judiciary, and in addition to the

Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. LANTOS, Mr. HYDE, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. KING of New York, Mr. FOX of Pennsylvania, and Mr. BLUNT):

H.R. 4660. A bill to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia; to the Committee on International Relations.

By Mr. BISHOP:

H.R. 4661. A bill to designate the facility of the United States Postal Service at Tall Timbers Village Square, United States Route 19 South, in THOMASville, Georgia, as the ''Lieutenant Henry O. Flipper Station''; to the Committee on Government Reform and Oversight.

By Mr. BUNNING of Kentucky:

H.R. 4662. A bill to direct the Commissioner of Social Security to establish a demonstration project to conduct outreach efforts to increase awareness of the availability of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself and Mr. MATSUI):

H.R. 4663. A bill to prohibit the Secretary of the Treasury from issuing regulations dealing with hybrid transactions; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 4664. A bill to establish a program to support a transition to democracy in Iraq; to the Committee on International Relations.

By Mr. HALL of Ohio (for himself, Mr. STENHOLM, Mr. GILMAN, Mr. HAMILTON, Mr. WOLF, Ms. JACKSON-LEE of Texas, and Mrs. EMERSON):

H.R. 4665. A bill to establish the Bill Emerson and Mickey Leland memorial fellowship programs, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. WATKINS, Mr. OLVER, Ms. LEE, Ms. WATERS, Mr. RODRIGUEZ, Mr. BRADY of Pennsylvania, Mrs. THURMAN, and Mr. JACKSON of Illinois):

H.R. 4666. A bill to authorize the Secretary of Agriculture to make grants to establish 33 additional rural enterprise communities, to provide grant funding for 20 empowerment zones, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 4667. A bill to enhance consumer privacy, prevent unfair and deceptive practices, and protect children's privacy; to the Committee on Commerce.

By Mr. PEASE (for himself, Mr. VISCLOSKY, Mr. MCINTOSH, Mr. ROEMER, Mr. SOUDER, Mr. BUYER, Mr. BURTON of Indiana, Mr. HOSTETTLER, Mr. HAMILTON, and Ms. CARSON):

H.R. 4668. A bill to designate the facility of the United States Postal Service at 30 North 7th Street in Terre Haute, Indiana, as the ''John T. Myers Federal Building''; to the Committee on Government Reform and Oversight.

By Mr. PICKETT (for himself, Mr. WELDON of Pennsylvania, Mr. TAYLOR of Mississippi, Mr. JONES, Mr. SISISKY, and Mr. ORTIZ):

H.R. 4669. A bill to amend title 10, United States Code, to restore military retirement benefits that were reduced by the Military Retirement Reform Act of 1986; to the Committee on National Security.

By Mr. PITTS:

H.R. 4670. A bill to establish a program of formula grants to the States for programs to provide pregnant women with alternatives to abortion, and for other purposes; to the Committee on Commerce.

By Mr. SANDERS:

H.R. 4671. A bill to redesignate the Marsh-Billings National Historical Park in the State of Vermont as the ''Marsh-Billings-ROCKEFELLER National Historical Park''; to the Committee on Resources.

By Mr. SMITH of Michigan:

H.R. 4672. A bill to reenact chapter 12 of title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. SMITH of Michigan:

H.R. 4673. A bill to stimulate increased domestic cruise ship opportunities for the American cruising public by temporarily reducing barriers for entry into the domestic cruise ship trade; to the Committee on National Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself and Mr. KLECZKA):

H.R. 4674. A bill to amend part C of title XVIII of the Social Security Act to prohibit MedicareChoice organizations from arbitrarily limiting coverage of medically necessary services under MedicareChoice plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN (for himself, Mr. MARKEY, Mr. DEAL of Georgia, Mr. BOUCHER, Mr. SANDERS, and Mrs. KELLY):

H.R. 4675. A bill to amend the Communications Act of 1934 to establish rules and regulations for the redistribution or retransmission of local signals by satellite broadcasters, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 4676. A bill to amend the Inspector General Act of 1978 to establish an Office of Inspector General Oversight Council; to the Committee on Government Reform and Oversight.

By Mr. TRAFICANT:

H.R. 4677. A bill to require the registration of all persons providing intercountry adoption services; to the Committee on International Relations.

By Mr. BILBRAY:

H. Con. Res. 331. Concurrent resolution expressing the sense of Congress concerning the inadequacy of sewage infrastructure facilities in Tijuana, Mexico; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. CARDIN, Mr. FOX of Pennsylvania, Mr. LANTOS, Mr. HALL of Ohio, Mr. MORAN of Virginia, Mr. OLVER, Mr. PAYNE, Mr. MCGOVERN, Mr. ENGEL, Mr. WEXLER, Mr. HASTINGS of Florida, and Mr. MCNULTY):

H. Res. 561. A resolution concerning the crisis in Kosovo and calling for NATO agreement to take direct and decisive action against those forces attacking civilian populations in Kosovo; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. LANTOS, Mr. HYDE, Mr. HOYER, Mr. MARKEY, Mr. CHRISTENSEN, Mr. ROHRABACHER, Mr. SALMON, and Mr. FOX of Pennsylvania):

H. Res. 562. A resolution concerning properties wrongfully expropriated by formerly totalitarian governments; to the Committee on International Relations.

By Mr. BASS (for himself, Ms. DUNN of Washington, Mr. GINGRICH, Mr. BACHUS, Mr. BAKER, Mr. BALDACCI, Mr. BALLENGER, Mr. BARRETT of Wisconsin, Mr. BARTLETT of Maryland, Mr. BENTSEN, Mr. BERRY, Mr. BLUNT, Mr. BOEHLERT, Mrs. BONO, Mr. BORSKI, Mr. BOUCHER, Mr. BOYD, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. CAMP, Mr. CAMPBELL, Mrs. CAPPS, Mr. CARDIN, Ms. CARSON, Mr. CHAMBLISS, Mrs. CLAYTON, Mr. CLEMENT, Mr. COBLE, Mr. COBURN, Mr. CONDIT, Mr. COOK, Mr. COOKSEY, Mr. CRAMER, Mr. CUMMINGS, Mr. CUNNINGHAM, Mr. DELAHUNT, Mr. DIXON, Mr. EHLERS, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. ETHERIDGE, Mr. EWING, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FAZIO of California, Mr. FILNER, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GEKAS, Mr. GIBBONS, Mr. GILMAN, Mr. GORDON, Mr. GOSS, Mr. GREEN, Mr. HALL of Ohio, Mr. HASTERT, Mr. HEFLEY, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOBSON, Mr. HOLDEN, Mr. HORN, Mr. HOUGHTON, Ms. JACKSON-LEE of Texas, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Ms. KILPATRICK, Mr. KING of New York, Mr. KLECZKA, Mr. KOLBE, Mr. LANTOS, Mr. LATOURETTE, Mr. LAZIO of New York, Mr. MCDERMOTT, Mr. MCINTOSH, Mr. MCINTYRE, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. METCALF, Mr. MICA, Mrs. MYRICK, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. NEY, Mr. OBERSTAR, Mr. PALLONE, Mr. PAPPAS, Mr. PASCRELL, Mr. PAYNE, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REDMOND, Mr. RILEY, Mr. ROGAN, Mr. ROMERO-BARCELO, Ms. ROS-LEHTINEN, Mrs. ROUKEMA, Mr. SABO, Mr. SALMON, Mr. SANDERS, Mr. SANDLIN, Mr. SAXTON, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. ADAM SMITH of Washington, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Mr. SUNUNU, Mr. TORRES, Mr. TOWNS, Mr. WATTS of Oklahoma, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WEYGAND, Ms. WOOLSEY, and Mr. YOUNG of Florida):

H. Res. 565. A resolution expressing the sense of the House of Representatives regarding the importance of mammograms and biopsies in the fight against breast cancer; to the Committee on Commerce.

By Mr. STUPAK (for himself, Mr. DINGELL, Mr. BARRETT of Wisconsin, Mr. JOHNSON of Wisconsin, Mr. STRICKLAND, Mr. OBERSTAR, Ms. RIVERS, Mr. OBEY, Mr. KILDEE, Mr. ENGLISH of Pennsylvania, Ms. KILPATRICK, Mr. LATOURETTE, Mr. WALSH, Ms. KAPTUR, Mr. RAMSTAD, Mrs. THURMAN, Mr. KIND of Wisconsin, Mr. LUTHER, Mr. SABO, Mr. VISCLOSKY, Mr. SOUDER, Mr. VENTO, Mr. BARCIA of Michigan, Mr. MCHUGH, Ms. STABENOW, and Mr. BROWN of Ohio):

H. Res. 566. A resolution expressing the sense of House of Representatives that the President and the Senate should take the necessary actions to prevent the sale or diversion of Great Lakes water to foreign countries, business, corporations, and individuals until procedures are established to guarantee that any such sale is fully negotiated between and approved by the governments concerned; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DAVIS of Florida introduced A bill (H.R. 4678) to authorize conveyance of each of two National Defense Reserve Fleet vessels to The Victory Ship, Inc., located in Tampa, Florida; which was referred to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mrs. CHENOWETH and Mr. ADAM SMITH of Washington.
H.R. 519: Mr. CAMPBELL.
H.R. 902: Mr. CAMPBELL, Mrs. ROUKEMA, Mrs. WILSON, Mr. KASICH, Mr. SHUSTER, and Mr. BALLENGER.
H.R. 1126: Mr. JENKINS
H.R. 1197: Mr. PETERSON of Pennsylvania.
H.R. 1441: Ms. STABENOW.
H.R. 1521: Mr. ROGAN.
H.R. 1891: Mr. SPENCE.
H.R. 2020: Mr. DEAL of Georgia.
H.R. 2450: Mr. BURR of North Carolina.
H.R. 2549: Mr. STUMP.
H.R. 2635: Mr. BILBRAY, Mr. BOYD, and Mr. PASCRELL.
H.R. 2733: Mr. KUCINICH, Mr. BLAGOJEVICH, and Mrs. EMERSON.
H.R. 2914: Mr. BROWN of Ohio.
H.R. 2938: Mr. RODRIGUEZ.
H.R. 3032: Mr. KUCINICH and Mr. KANJORSKI.
H.R. 3081: Mr. EVANS, Mr. PASCRELL, Mr. SANDERS, Mr. QUINN, Mr. KIND of Wisconsin, Mrs. THURMAN, Mr. FRELINGHUYSEN, Mr. JOHNSON of Wisconsin, Mr. OBERSTAR, Mr. ABERCROMBIE, Ms. MILLENDER-MCDONALD, Mr. MATSUI, Mr. MOAKLEY, Mr. GILMAN, Mr. BECERRA, Mr. KENNEDY of Massachusetts, Mr. PASTOR, Mr. MCNULTY, and Mr. FATTAH.
H.R. 3134: Mr. DIXON, Mr. TORRES, Ms. ROYBAL-ALALRD, and Mr. MARTINEZ.
H.R. 3234: Mr. DAN SCHAEFER of Colorado.
H.R. 3251: Mr. MILLER of California and Mr. BILBRAY.
H.R. 3448: Mr. OLVER.
H.R. 3514: Mr. BARCIA of Michigan.
H.R. 3572: Mr. BALDACCI and Mr. JONES.
H.R. 3632: Mr. HASTINGS of Washington.
H.R. 3792: Ms. PRYCE of Ohio and Mr. RAMSTAD.
H.R. 3794: Mr. BENTSEN.
H.R. 3795: Mr. FOX of Pennsylvania.
H.R. 3831: Mr. RUSH.
H.R. 3855: Mrs. HARMAN, Mr. TRAFICANT, Mr. GILLMOR, Ms. THURMAN, Mr. BERMAN, Mr. PICKETT, and Mr. DEUTSCH.
H.R. 3861: Mr. KENNEDY of Rhode Island.
H.R. 3895: Mr. RUSH.
H.R. 3925: Mr. TURNER and Mr. LEACH.
H.R. 3949: Mr. LAMPSON.
H.R. 3990: Ms. STABENOW.
H.R. 3991: Mr. CARDIN, Mr. BEREUTER, and Mrs. CAPPS.
H.R. 4019: Mr. ENSIGN, Mr. MCINTYRE, and Mr. MARTINEZ.
H.R. 4080: Mrs. MALONEY of New York.
H.R. 4121: Mr. TALENT.
H.R. 4127: Mr. HILLIARD.
H.R. 4151: Mr. DOYLE.
H.R. 4167: Mr. BARCIA of Michigan and Mr. RAHALL.
H.R. 4214: Mr. DIXON, Mr. BROWN of California, and Mr. PALLONE.
H.R. 4220: Mr. BONIOR.
H.R. 4280: Mrs. KELLY.
H.R. 4293: Ms. FURSE.
H.R. 4311: Mr. GUTIERREZ and Ms. SLAUGHTER.
H.R. 4332: Mr. ADERHOLT, Mr. JOHNSON of Wisconsin, and Mr. SCARBOROUGH.
H.R. 4339: Mr. OBERSTAR and Mr. METCALF.
H.R. 4340: Ms. SLAUGHTER.
H.R. 4353: Mr. BILIRAKIS.
H.R. 4358: Mr. ACKERMAN.
H.R. 4376: Mr. FORBES.
H.R. 4402: Mr. GOODLATTE and Mr. BLILEY.
H.R. 4403: Mr. WAXMAN, Mr. BROWN of Ohio, Mr. MILLER of California, Mr. SMITH of New Jersey, and Mr. STUPAK.
H.R. 4421: Mrs. MINK of Hawaii, Ms. CHRISTIAN-GREEN, Mr. ENSIGN, and Mr. MANZULLO.
H.R. 4446: Mrs. NORTHUP.
H.R. 4449: Mr. CAMPBELL, Mr. MCINNIS, Mr. STUMP, Mr. VENTO, and Mr. DICKEY.
H.R. 4450: Mr. RUSH.
H.R. 4455: Mr. GOODE and Mr. RUSH.
H.R. 4465: Mr. LATOURETTE.
H.R. 4467: Ms. PELOSI.
H.R. 4504: Mr. THOMPSON.
H.R. 4513: Mr. DREIER.
H.R. 4527: Mr. MENENDEZ.
H.R. 4538: Mr. KUCINICH and Mr. BLUMENAUER.
H.R. 4567: Mr. MALONEY of Connecticut, Mr. ENSIGN, and Mr. NADLER.
H.R. 4574: Mr. CHRISTENSEN.
H.R. 4590: Mrs. JOHNSON of Connecticut, Ms. CARSON, Mr. KOLBE, and Mr. SHAYS.
H.R. 4591: Mr. HILLIARD.
H.R. 4621: Mr. REGULA, Mrs. KELLY, Mr. FROST, Mr. DOYLE, and Mr. MCHUGH.
H.R. 4627: Mrs. CAPPS, Mr. PALLONE, Mr. HINCHEY, Mr. MEEKS of New York, Mr. BOSWELL, Mr. OLVER, Mr. BLUMENAUER, Mr. HOLDEN, Mr. KLECZKA, and Mr. MATSUI.
H.R. 4634: Mr. PRICE of North Carolina, Mr. CAMPBELL, Mr. ENGLISH of Pennsylvania, Mr. METCALF, Mr. KENNEDY of Rhode Island, and Mrs. MORELLA.
H. Con. Res. 55: Mr. FOX of Pennsylvania.
H. Con. Res. 274: Mr. GINGRICH.
H. Con. Res. 281: Mr. DEFAZIO.
H. Con. Res. 295: Mr. JEFFERSON.
H. Con. Res. 299: Mr. SMITH of Oregon.
H. Con. Res. 328: Mr. JACKSON of Illinois, Mr. LEWIS of Kentucky, Mr. STRICKLAND, Mr. LATOURETTE, and Mr. LEWIS of Georgia.
H. Res. 460: Mr. DEFAZIO, Mr. KING of New York, Mr. DAVIS of Illinois, and Mr. LIVINGSTON.
H. Res. 519: Mr. GIBBONS, Mr. SMITH of New Jersey, Mr. WATTS of Oklahoma, Mr. FOX of Pennsylvania, and Mr. ROHRABACHER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3789

OFFERED BY: MR. CONYERS

AMENDMENT NO. 1: Page 7, strike lines 11 through 21 and insert the following:

''(f) If, after removal, the court determines that no aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, the court shall remand the action to the State court from which the action arose. Upon remand of the action, the period of limitations for any claim brought by any member of the proposed class in any future class action or individual action shall be tolled for the period of time provided under Federal or State law, or for the period of time that the removed action was pending in Federal court, whichever period is longer. The remand of the action shall be without prejudice to the reallegation of any such claim in any State court in a class action that may meet applicable class certification requirements. The removal provisions of section 1453 shall apply after remand to any renewed State court class action described in the preceding sentence, and if the renewed action is removed to Federal court, the Federal court shall determine whether the renewed action meets the requirements of Rule 23 of the Federal Rules of Civil Procedure.''.

H.R. 3789

OFFERED BY MR. DOGGETT

AMENDMENT NO. 2: Page 5, line 3, strike the quotation marks and second period.

Page 5, insert the following after line 3:

''(4) Paragraph (1) and section 1453 shall apply to a State only if such State, on or after the date of the enactment of this Act, enacts a statute that—

''(A) is adopted in accordance with procedures established by that State's Constitution for enactment of a statute;

''(B) does not conflict with that State's Constitution, as interpreted by that State; and

''(C) declares that paragraph (1) and section 1453 shall apply to that State.''.

H.R. 3789

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Strike all after the enacting clause and insert the following:

SECTION 1. STUDY OF CLASS ACTIONS.

Within 12 months of the date of enactment of this Act, the Judicial Conference of the United States, in consultation with the National Center for State Courts, shall conduct a study of Federal and State class actions, which study shall include—

(1) identification of the number of class actions being brought and maintained in Federal and State courts;

(2) the extent to which class action rules are collusively misused or manipulated by either plaintiffs or defendants in a manner which denies any of the parties the right to fairness and due process; and

(3) the extent that changing Federal law to allow for removal to Federal court in any case where any one member of a plaintiff class and any one defendant are citizens of different States, and eliminate the $75,000 amount in controversy requirement of section 1332 of title 28, United States Code, would have on—

(A) the workload of the Federal judiciary and the civil docket backlog in the Federal courts; and

(B) possible delays in the resolution of class actions.

Upon completion of the study, the Judicial Conference of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate, which shall include any recommendations for changing class action rules at the Federal or State level.

H.R. 3789

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 4: In section 1332(b) of title 28, United States Code, as added by section 2(a) of the bill, strike the quotation marks and second period at the end of paragraph (3) (page 5, line 3), and after paragraph (3) (page 5, after line 3) insert the following:

''(4)(A) Paragraph (1) and section 1453 shall not apply to any class action that is brought for harm caused by a tobacco product.

''(B) As used in this paragraph, the term 'tobacco product' means—

''(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

''(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

''(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

''(iv) pipe tobacco;

''(v) loose rolling tobacco and papers used to contain that tobacco;

''(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

''(vii) any other form of tobacco intended for human consumption.''.

H.R. 3789

OFFERED BY: MR. PALLONE

AMENDMENT NO. 5: Page 5, line 3, strike the quotation marks and second period.

Page 5, insert the following after line 3:

''(4) Paragraph (1) and section 1453 shall not apply to any class action that is brought for harm caused by any group health plan, health insurance issuer, health care provider, or health care professional, if the primary defendant in the action is a group health plan or health insurance issuer which has a substantial commercial presence in the State in which the action is brought.''.

H.R. 3789

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 6: Page 5, strike line 17 and all that follows through page 6, line 19.

Page 6, line 20, strike ''(b) REMOVAL'' and insert ''(a) REMOVAL''.

Page 7, strike line 1 through the matter following line 3.

Page 7, line 4, strike ''(d)'' and insert ''(b)''.

Page 7, line 9, strike ''(e)'' and insert ''(c)''.

Page 4, line 1, strike ''and section 1453''.

Page 4, line 4, strike ''and section 1453''.

H.R. 4274

OFFERED BY: MR. ENGLISH OF PENNSYLVANIA

AMENDMENT NO. 7: Page 95, after line 17, insert the following new section:

SEC. 517. There are appropriated for carrying out the Low-Income Home Energy Assistance Act of 1981 $1,100,000,000, to be derived by hereby reducing by 3.098 percent each of the amounts appropriated by this Act that are not required by law to be appropriated.

H.R. 4274

OFFERED BY: MR. FATTAH

AMENDMENT NO. 8: Page 54, line 24, after the dollar amount, insert the following: ''(decreased by $200,000,000)''.

Page 55, line 6, after ''section 1125,'' insert the following: ''$200,000,000 shall be available for the education finance incentive program under section 1125A,''.

H.R. 4274

OFFERED BY: MR. FATTAH

AMENDMENT NO. 9: Page 55, line 6, after ''section 1125,'' insert the following: ''$200,000,000 shall be available for the education finance incentive program under section 1125A,''.

H.R. 4274

OFFERED BY: MR. FILNER

AMENDMENT NO. 10: Page 61, line 11, after the dollar amount insert ''(increased by $12,000,000)''.

Page 63, line 16, after the dollar amount insert ''(decreased by $12,000,000)''.

H.R. 4274

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 11: Page 32, line 9, after the dollar amount, insert the following: ''(decreased by $5,000,000)''.

Page 57, line 12, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

H.R. 4274

OFFERED BY: MR. LOBIONDO

AMENDMENT NO. 12: Page 44, line 9, insert ''(increased by $10,000,000)'' after the dollar figure.

Page 63, line 16, insert ''(reduced by $10,000,000)'' after the dollar figure.

H.R. 4274

OFFERED BY: MR. RIGGS

AMENDMENT NO. 13: Page 2, line 16, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 2, line 22, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 53, line 17, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 53, line 19, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 58, line 26, after each of the dollar amounts, insert the following: ''(increased by $50,000,000)''.

H.R. 4274

OFFERED BY: MR. RIGGS

AMENDMENT NO. 14: Page 54, line 18, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 54, line 19, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 55, line 10, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 56, line 17, after the dollar amount, insert the following: ''(increased by $120,000,000)''.

H.R. 4274

OFFERED BY: MR. RIGGS

AMENDMENT NO. 15: Page 54, line 18, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 54, line 19, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 55, line 10, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 56, line 17, after the dollar amount, insert the following: ''(increased by $60,000,000)''.

Page 58, line 26, after each of the dollar amounts, insert the following: ''(increased by $60,000,000)''.

H.R. 4274

OFFERED BY: MR. RIGGS

AMENDMENT NO. 16: Page 56, line 18, after the dollar amount, insert the following: ''(reduced by $50,000,000)''.

Page 56, line 23, after ''1965,'', insert the following: ''$150,000,000 shall be for charter schools,''.

H.R. 4274

OFFERED BY: MR. SANDERS

AMENDMENT NO. 17: Page 28, line 15, insert after the first dollar amount ''(increased by $5,900,000)''.

Page 62, line 20, insert after the dollar amount ''(decreased by $5,900,000)''.

H.R. 4274

OFFERED BY: MR. SANDERS

AMENDMENT NO. 18: Page 56, line 5, after each dollar amount, insert ''(decreased by $2,000,000)''.

Page 20, line 9, after the dollar amount, insert ''(increased by $2,000,000)''.

H.R. 4274

OFFERED BY: MR. SANDERS

AMENDMENT NO. 19: Page 95, after line 17, insert the following new section:

SEC. 517. Whereas 4,400,000 of this Nation's most vulnerable families will lose essential energy assistance, leaving them freezing in the winter or suffering from oppressive heat during the summer, if the Low-Income Home Energy Assistance Program (LIHEAP) is not funded; and whereas two-thirds of LIHEAP households have incomes of less than $8,000 per year, 49 percent of households receiving heating assistance have children less than 18 years old, households containing the elderly comprise 34 percent of all LIHEAP recipients, and households with at least 1 disabled person comprise 24 percent of those receiving heating assistance: Now, therefore, be it *Resolved*, That it is the sense of the House of Representatives that the Low-Income Home Energy Assistance Program should receive no less than the fiscal year 1998 level of $1,100,000,000 for fiscal year 1999.

H.R. 4274

OFFERED BY: MR. SANDERS

AMENDMENT NO. 20: Page 95, after line 17, insert the following new section:

SEC. 517. It is the sense of the House of Representatives that the Low-Income Home Energy Assistance Program should receive no less than the fiscal year 1998 level of $1,100,000,000 for fiscal year 1999.

H.R. 4274

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 21: Page 53, after line 8, insert the following new section:

SEC. 221. The program under section 1001 of title X of the Public Health Service Act shall be carried out in accordance with section 59.9 of title 42, Code of Federal Regulations, as issued on February 2, 1988 (53 Fed. Reg. 2945), except that such section 59.9 shall apply as if there were no references in the section to sections 59.8 and 59.10 of such title 42.

H.R. 4274

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 22: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Of the funds made available in this Act under the heading ''Department of Education—School Improvement Programs'' for the arts in education program, not more than 40 percent may be used for the Federal administrative costs of such program.

H.R. 4274

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 23: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be made available by the Secretary of Education to any educational agency or institution that—

(1) denies or prevents the parent of an elementary school or secondary school student the right to inspect and review any instructional material used with respect to the educational curriculum of, or testing material

that has been administered to, the student; or

(2) without the prior, written, informed consent of the parent of a student—

(A) requires the student to undergo medical, psychological, or psychiatric examination, testing, treatment, or immunization (except in the case of a medical emergency); or

(B) requires or otherwise seeks the response of the student to reveal any information about the student's personal or family life (other than directory information or information necessary to comply with the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a)).

H.R. 4274

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 24: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the amounts made available in this Act may be expended—

(1) to carry out the program under section 1001 of title X of the Public Health Service Act in a manner inconsistent with section 59.9 of title 42, Code of Federal Regulations; or

(2) to administer the provisions of such section 59.9 that relate to sections 59.8 and 59.10 of such title 42.