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# House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. TANCREDO).

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*October 19, 1999.*

I hereby appoint the Honorable THOMAS G. TANCREDO to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH) for 4 minutes.

## MAINTAIN UNITED STATES TRADE (MUST) LAW RESOLUTION

Mr. KUCINICH. Mr. Speaker, recently the Commerce Department announced a record trade deficit of $25.2 billion for the month of July. That means that foreign-made goods are displacing American-made goods. When foreign goods replace American-made goods, Americans are put out of work, pressure increases to lower wages, and the tax base for schools and cities shrinks.

When those foreign-made goods are illegally subsidized or sold in the United States below price, the trade deficit worsens and it is even harder for American producers to compete. The U.S. has laws to protect American producers and workers from the illegal dumping of foreign-made goods into the U.S., but we are here because there is a real danger that the administration would give away those laws in trade negotiations at the World Trade Organization.

How do we know that? Let me share something that recently came across my desk. I have here a list of American laws that the European Union wants the administration to trade away. Here on page 9 of this summary on the report on the United States barriers to trade and investment by the European Commission, the EU, the European Union, has identified America's antidumping laws.

Mr. Speaker, when the EU identifies our antidumping laws as a problem, they are advocating on behalf of European-based multinational corporations. They want to make it easier for those companies to sell their products in the United States. Who will lose out if those European companies are allowed to export to the U.S. without regard to America's antidumping laws? American producers and American workers.

House Resolution 298 says that giving up our trade law system is a bad deal for American producers and workers. Do not trade away our trade laws. This is particularly important for people I represent in the Greater Cleveland area who work in the steel industry. Because American steel is the best-made steel in the world made with the best equipment, with the best workers. And yet for all the investment in steel, for all the efforts by the workers there, for all the commitments made by organized labor by the unions who represent those workers, American steel is in trouble. American steel manufacturers are losing money because we are having and have had steel dumped in our markets, and that is not fair.

So, Mr. Speaker, it is time to maintain U.S. trade laws. It is time to take a stand against dumping and it is time to make sure that U.S. laws that are made to protect American producers and workers from the illegal dumping of foreign-made goods into the U.S. are not just protected but are held inviolate. So I appreciate the opportunity to participate in this discussion this morning with the gentleman from Ohio (Mr. NEY), the gentleman from New York (Mr. LAZIO), the gentleman from Ohio (Mr. TRAFICANT), and the gentleman from Pennsylvania (Mr. DOYLE) and all the other colleagues who are here who have constituencies that are similar to mine and who want to make sure that we protect American jobs from the antidumping.

## H. RES. 298, THE MAINTAIN U.S. TRADE LAWS RESOLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. NEY) is recognized during morning hour debates for 5 minutes.

Mr. NEY. Mr. Speaker, I want to thank my colleagues on a bipartisan basis for being here today. This is an important morning hour to talk about an issue that is absolutely critical to every working man and woman in this country.

Mr. Speaker, I wanted to speak today about House Resolution 298, which is called the Maintain U.S. Trade Laws Resolution sponsored by the gentleman from Indiana (Mr. VISCLOSKY). The gentleman, along with a lot of our colleagues on both sides of the aisle, have remained strong on these trade issues to make sure that we continue to have jobs for all of our working Americans.

Now, the big highlight of the year, I think, was the fact that a previous bill offered by the gentleman from Indiana came to this floor and had 289 votes and unfortunately it did not get past



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the procedures of the Senate, but it showed the whole Nation, working men and women, that in fact we can stand together. And the Stand Up for Steel campaign which was supported by the unions and also by the companies and by many Members of the House showed that we, even though it did not pass the Senate, that we can keep this issue focused and we can win for our workers.

Mr. Speaker, it put a lot of pressure and helped to stop some of the hemorrhaging of the loss of our jobs. But House Resolution 298 goes even beyond that. It is not just an issue for steel. It is an issue for many, many products and it is an important issue for our country.

Effective antidumping and countervailing duty laws are the cornerstone of an open market policy. Those who want to maintain free trade had better realize that any amount of trade we have should be fair trade and that maintaining trade depends on maintaining fair trade. Antidumping rules are designed to ensure that exporters based in countries with closed markets do not abuse other countries' open market policies. American industries which have benefited from these laws include basic industrial goods, chemicals and pharmaceuticals, advanced technology products, consumer goods such as tomatoes, oranges, fresh-cut flowers, cosmetics.

The present countervailing duty rules are and have come about as a result of the WTO Uruguay Round 1964 to 1994 negotiations and they applied to all the members. The WTO agreement on countervailing duty measures defines the term ''subsidy.'' The definition contains three basic elements: A financial contribution by a government, or any other public payment which confers a benefit. All three of these elements must be satisfied in order for a subsidy to exist.

The scope of the negotiations at the Seattle Round discussions of the WTO was specified during the Uruguay Round, however some countries, and this is the danger, are seeking to circumvent the agreed list of negotiating topics and reopen the debate over the WTO's antidumping and antisubsidy rules.

These rules have scarcely been tested since their enactment and certainly have not proven defective. Accordingly, avoiding another series of divisive fights over these rules is the best way to promote progress on the other issues facing the WTO.

Therefore, Mr. Speaker, it is essential that negotiations on these antidumping and antisubsidy matters not be reopened at the Seattle Round of discussions of the WTO.

Mr. Speaker, House Resolution 298 simply says we have a system, let it work. To reopen these rules at the Seattle Round is not only dangerous to the United States, but most importantly, it is dangerous to the working men and women of the United States who are trying to feed their families and support their communities and educate their children and take care of their loved ones.

It is basic to the nature of our country to be able to have a job. So we are not asking for anything special. We are simply asking for fair treatment. That is why it is essential that we speak out today and I congratulate again and thank my colleagues who have put in so much time on this issue and thank all of those across the United States, Mr. Speaker, that in fact have written letters and made phone calls and supported measures to simply give the American workers a fair chance.

## FREE BUT FAIR TRADE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. TRAFICANT) is recognized during morning hour debates for 4 minutes.

Mr. TRAFICANT. Mr. Speaker, the author of H. Res. 298, the gentleman from Indiana (Mr. VISCLOSKY) has worked tirelessly here, along with the gentleman from Ohio (Mr. REGULA) and many others to try and do something about this dumping and subsidy of foreign products that, in fact, have damaged American workers, American goods, and in my opinion our future economy. Even though right now it makes it look like our prices are low and our economy is helped and buoyed by this action.

The gentleman from Indiana will be here, he being the greatest Notre Dame fan in the Congress and being totally elated by the fighting Irish's comeback victory over Southern Cal. So being an old Pitt guy, I am not going to be all that ecstatic about it, but the gentleman from Indiana is still out there cheering on the Irish.

Mr. Speaker, the very first steel mill that closed in America, we called it Black Monday back then, was in Youngstown, Ohio. 11,000 steelworkers got a notice one morning that their plant was closing and their job was gone. Congress has done a bunch of things since then to give plant closing notices, but frankly I do not even understand why we have to be doing something like this with the administration that in my opinion should know better. I think every administration should know a little better.

We are getting ripped off big time. People keep hearing about dumping. I do not know if the American people know what dumping means. It is not all that sophisticated. It is not rocket science here. Dumping is when a product costs $20 to make but they sell it in America for $15, $5 below what it costs them to make the product themselves. What does that do? There are those purists that say that is great. They are subsidizing the American economy. They are doing us a favor at $5 a product.

But, Mr. Speaker, the bottom line is the American producers now cannot meet the competition. Little by little the American competition dwindles and before long there is a vacuum. No American company produces the product and that product that looked so juicy at $15 is now coming in here at $35.

The final result of this is we cannot have dumping, we cannot have subsidies, if in fact they are going to play by a different set of rules. That is what frosts my pumpkin here.

I think with the dumping of illegal steel Congress did not do what they had to do. Congress should have passed a ban. Send it to the President and let these presidents that fire up all these union workers every election veto the bill and show what they are standing for.

Mr. Speaker, we should not be managing illegal trade; we should be banning illegal trade.

So I particularly feel our program is all wet. I think we have allowed these administrations to use an awful lot of rhetoric and politicking around election time and maintain a program that is anti-American, so help me God. But I want to credit the efforts at least we are trying to take. What we are doing is recommending that the administration does not allow any more of this chicanery on illegal trade. Wow. I hope that works. But in any regard, I think it is better than what we are doing.

Mr. Speaker, I think there is a lot more that has to be done. And I think it is time to pass some legislation that says look, play by the same rules we play by because there is one trick word I believe and one magic word that deals with this trade business. It is called reciprocity. I think it is time to treat our trading partners the way they deal with us. We should ideally deal with free trade, but first we should deal with fair trade.

Mr. VISCLOSKY. Mr. Speaker, I rise today to speak in favor of House Resolution 298, the Maintain United States Trade Law Resolution. There have been a number of pieces of legislation introduced this Congress aimed at strengthening our trade laws. While some of these bills have been very technical in nature, we have before us today a resolution that is so simple and straightforward that there can be no hidden agenda. It sends forth one basic, yet vital, message from the Congress to the Administration, and that message is this—do not allow the current antidumping and countervailing duty laws to be weakened.

Just over a month from now, the WTO will convene at the Seattle Ministerial to launch a new round of trade talks. An agenda has been set for these negotiations that does not include the antidumping and countervailing duty rules, yet there are a number of countries seeking to expand the agenda in order to debate them. The existing rules were concluded only with great difficulty during the Uruguay Round, and have hardly been tested. In no way have the existing rules been proven to be defective. Therefore, it would be clearly a rash decision to reopen them at this point in time.

Fortunately the Administration seems to have recognized the importance of maintaining these trade laws and has stated on a number

of occasions that they will not allow them to be reopened at this next round of talks. Apparently, some Members in this House feel this is enough assurance, but I speak today on behalf of the almost 200 cosponsors of this resolution who know the Congress must vocalize their support for the Administration's stated approach. We must show our trading partners that we wholeheartedly support and endorse our negotiators and their position at the Seattle Ministerial.

On a number of occasions, I have heard people state their concern that there is a growing protectionist tide in the U.S. and around the world. There are even those out there who believe this resolution will help fuel this tide, but nothing could be farther from the truth. Free trade must be synonymous with fair trade, and our antidumping and countervailing duty laws target only illegal imports, not those that are fairly traded. If you really want to see a growing protectionist tide in this country, go down the road of weakening our fair trade laws and just watch what happens. Weakening these laws will lead to a flood of illegal imports like we have never seen, and the result will be scores of American companies out of business and innumerable American workers without jobs. We will then see an unprecedented discontent with foreign manufacturers and, in no time, a movement toward closing our doors to foreign imports, fair and unfair alike. If you're looking for a recipe for protectionism, weakening our existing trade laws is the quick and easy way to get there.

Nothing good can come out of reopening the antidumping and countervailing duty rules, yet there is a very real possibility that it could happen. There is a Constitutional responsibility for Congress to join with the Administration in a unified approach and let it be known that we will not sit idly by and watch our fair trade laws be bargained away. Supporting this resolution is a way for us to say that we believe American farmers and manufacturers deserve to be on an equal footing with their counterparts around the world.

I mentioned earlier that these trade laws are the backbone of America's open-market policy. Well, it is now time for this Congress and the Administration to show that they have a backbone when it comes to negotiating the future for all Americans. I urge my colleagues to stand with me today in support of the Maintain United States Trade Law Resolution.

## WTO MINISTERIAL MEETING IN SEATTLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. REGULA) is recognized during morning hour debates for 5 minutes.

Mr. REGULA. Mr. Speaker, I rise today to express concerns about the upcoming World Trade Organization ministerial meeting which will be hosted by the United States in Seattle, Washington, from November 30 until December 3.

The purpose of this meeting is to prepare an agenda for a new round of multilateral trade negotiations aimed at expanding and liberalizing world trade in the wake of the Uruguay Round of negotiations which ended in 1994.

As Chairman of the Congressional Steel Caucus, I recently convened two days of briefings by U.S. steel industry executives and the President of the Steelworkers of America. In addition to discussing the continued threat of low-priced imports, the industry and steelworker representatives also provided the caucus with advice on what should and should not be included in the agenda which is being drafted in Seattle.

There is general support for this new round of negotiations because liberalized trade has a great potential benefit for the U.S. economy as long as that liberalized trade is fair, and I emphasize the word ''fair,'' is rules-based and is market economy based. The caucus heard that any future negotiations under the auspices of the World Trade Organization must in no way weaken U.S. trade laws, particularly our antidumping and countervailing duty laws. These laws provide essential remedies against unfair foreign imports.

Mr. Speaker, I am pleased that we have been repeatedly assured by Ambassador Barshefsky, Secretary Daley and other administration officials that antidumping and countervailing duty statutes will not be reopened in Seattle or in any new round of negotiations to follow. But we have also heard repeatedly from several of our trading partners that they will seek to reopen discussions on these laws.

My particular concern arises from an addendum to the WTO General Council Chairman Mchumo's draft Ministerial Declaration for the Seattle meeting which he drafted ''on his own responsibility.'' The proposals in this addendum would seriously weaken the U.S. antidumping and countervailing duty laws as they stand today. Although this addendum is not official, it indicates that there will be substantial pressure on the U.S. delegation to include discussions of changes to the antidumping and countervailing duty laws in the new round of negotiations.

The proposed changes would allow the dumping of goods into the United States and would allow goods to be subsidized by foreign governments. These changes in turn would jeopardize United States jobs. I will mention just a few of the 24 changes that have been proposed in the Mchumo addendum.

One, once an antidumping investigation under U.S. law is concluded, no new petition involving the same product could be initiated for at least a year. This means dumping of that product could resume and continue for a year before any remedy could be pursued.

Two, if a penalty duty lower than the calculated margin of dumping were thought to be sufficient to reduce the injury, then that lower duty would be mandatory, even if dumping continues.

Three, countervailing duties would be imposed not in the full amount but only in the amount by which the subsidy exceeds the applicable de minimis level.

Four, developing countries would suddenly be exempted altogether from the present prohibition on export subsidies and import substitution subsidies.

Mr. Speaker, these proposed changes sound technical, but they would have a dramatic impact on U.S. jobs in the manufacturing sector and in other important sensitive sectors. These changes would mean job losses for many Americans and, therefore, these changes must be resisted.

I support the Visclosky-Ney resolution stating that the antidumping and antisubsidies code of the WTO should not be reopened in Seattle. I will be part of a delegation travelling to Seattle in November as part of the Speaker's advisory group on the WTO ministerial. A strong vote in the House and participation by Members in the delegation to Seattle will be essential in backing up, and I say that supporting, the administration's position that the U.S. antidumping and countervailing duty laws should not be weakened in any way during the upcoming multilateral trade negotiations.

## MUST LAW RESOLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. DOYLE) is recognized during morning hour debates for 5 minutes.

Mr. DOYLE. Mr. Speaker, I am rising here this morning to speak about this very important bill known as the Maintain United States Trade (MUST) Law. First, allow me to thank my colleagues and friends, the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Ohio (Mr. NEY) for their work on this issue and for organizing this morning hour today.

I am just one of nearly 200 cosponsors of the MUST law resolution that has drawn its support from both sides of the aisle. There is a reason for that, of course. Quite simply, this issue does not fall along partisan lines. It is no surprise that there are many Democrats and many Republicans that together have recognized the necessity of maintaining our antidumping laws and countervailing duty laws.

It is no surprise because these laws are a concern for all of us, affect all of us, and protect a wide range of products that come from all corners of our great country.

According to the U.S. International Trade Association, as of March 1 of this year, over 290 products from 59 different countries were under antidumping and countervailing duty orders. Throughout our ongoing steel crisis, antidumping and countervailing duty laws have represented one of the only means of relief for American steelworkers and the American steel industry.

My constituents in Pennsylvania and other American producers throughout the country recognize that these laws are important protections affecting countless products throughout the

United States. It is imperative that the administration uphold these important trade laws at the upcoming WTO Seattle Round. It is this conference that will launch a new round of trade negotiations. It is said that these talks will focus on reshaping WTO rules regarding agriculture, services and intellectual property. However, the concern of those of us here this morning is that other issues may surface on the agenda.

Mr. Speaker, it is becoming clear that a number of foreign countries are seeking to expand the agenda allowing for debate on WTO's antidumping and countervailing duty laws. This effort must be stopped. This is why the MUST law is so important, because its passage will allow the administration to attend the Seattle negotiations with a unified statement from the Congress declaring that the United States must not agree to reopen negotiations on any of these antidumping and countervailing duty laws.

The MUST law resolution will call upon the President to not participate in any international negotiation in which antidumping rules are a part of the negotiation agenda. Further, it will insist that he refrain from submitting for congressional approval any agreements that require changes to the current antidumping and countervailing duty laws and enforcement policies of the United States, and that our government must vigorously enforce these laws in all pending and future cases. This is the type of direction that we must insist upon.

Mr. Speaker, I represent a district from western Pennsylvania. It is the heart of steel country. In fact, I was born and raised there, so believe me I know that area pretty well. Because of that, I have been very involved in attempting to mitigate our ongoing steel crisis, and I am sure some people might see me speaking here this morning and think that this is just another steel issue again. Nothing could be further from the truth though. This is not just about steel. Instead, as I stated earlier in my remarks, it is about all American industry production and workers.

It could be agricultural products ranging from raspberries to rice to chilled Atlantic salmon, or industrial products like dry-cleaning machinery, brake rotors, or roofing nails, manufacturing materials such as silicon metal or uranium, or even electronic products like color television receivers or cellular telephones. All of these products and hundreds more are protected by the antidumping and countervailing duty laws.

This is why we need everyone to join with us and insist that our administration hold firm on this issue when those talks kick off in Seattle.

We have an obligation to protect our American workers and producers from unfair foreign trade practices. It is an old line but it still rings true: We can have free trade, but only if it is fair trade. For these reasons, Mr. Speaker, I add my voice to urging the House leadership to bring the MUST law resolution to the floor as soon as possible.

## H. RES. 298: A VALUABLE TOOL TO PROTECT AMERICAN WORKERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Alabama (Mr. ADERHOLT) is recognized during morning hour debates for 2 minutes.

Mr. ADERHOLT. Mr. Speaker, I and over 200 of my colleagues are cosponsors of House Resolution 298. The Seattle discussions on international trade will begin on November 30. Unfortunately, some nations wish to circumvent the agreed upon list of topics and reopen the very contentious issue of World Trade Organization rules against dumping and against subsidies.

In the U.S. we already make our workers compete against foreign workers whose governments do not enforce the same standards on wages, on environmental protection, safety laws, and legal protections. Furthermore, we have flung open the doors of the American market. Let us not kid ourselves. Foreign governments will respect the U.S. worker only to the extent that the U.S. Government forces them to.

In these trade talks there is nothing left to give away except competitive, productive American jobs and that is unacceptable. Some in this body would define free trade by actions that amount to unilateral economic disarmament. Yet I would point out that every Member of Congress whose State benefits from a manufacturing plant built by a foreign company and employing U.S. workers owes a debt to President Ronald Reagan who knew how to get tough on trade when necessary.

If a foreign trade negotiator in Seattle proposes weakening U.S. laws, our administration officials need to say we will discuss nothing until they put that proposal back in their folder.

The passage of this resolution will be a valuable tool for the administration to protect American workers at these talks. I urge the House leadership to put H. Res. 298 on the schedule as soon as possible.

## IN SUPPORT OF H. RES. 298, THE ''MUST'' LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. MASCARA) is recognized during morning hour debates for 4 minutes.

Mr. MASCARA. Mr. Speaker, in November, representatives from across the global arrive in Seattle to negotiate changes in the international trade agreements of the World Trade Organization, the WTO.

Trade has worked well for our country. We sell 30 percent of our agricultural products to foreign trading partners. In fact in Pennsylvania, my home State, $16 billion of farm products are exported annually.

Our country relies on its ability to trade. And while I generally support free trade, I also insist upon fair trade. If other countries can produce products cheaper than we can without abusing its workers and without breaking international trade laws, so be it. They have every right to access our markets. But a successful global economy depends upon a level playing field. Everyone must play by the same rules: Rules against illegal subsidies, rules against illegal dumping, and rules against discrimination.

Unfortunately, there have been a number of recent trade violations that our country has had to respond to. They include illegal steel dumping, bans on U.S. beef and bananas and other products. Our airlines and aviation manufacturers have been discriminated against and the Congress continues to deal with these inequities and justifiably so. Fortunately, we can respond to these violations because we have strong American antidumping and antisubsidy laws. These laws conform to the WTO laws and provide our only means to fight this illegal trade. They are our trading Bill of Rights. Without them we would be defenseless.

Yet, the WTO agenda in Seattle includes an item that might strip away these very rights. That is, denying our ability to deal with these illegal trade activities.

Mr. Speaker for this reason, the House must bring House Resolution 298 to the floor. We must let the world know that we will not stand for foreign interference with our trade laws. Our country is the bedrock of global trade. We should not permit our trading partners to strip away our rights to free trade. We must insist that the WTO provide language that protects us against unfair trade and illegal dumping.

Mr. Speaker, I support the Visclosky-Ney resolution, House Resolution 298.

## THE COUP IN PAKISTAN AND THE IMPORTANCE OF MAINTAINING THE PRESSLER AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 3 minutes.

Mr. PALLONE. Mr. Speaker, yesterday I introduced legislation to prevent the administration from waiving the Pressler amendment, a provision of law which prohibits U.S. military assistance to Pakistan. I would like to take this opportunity to urge my colleagues to join me in this initiative. While I have offered this legislation as a free-standing bill, I am also looking into other legislative vehicles that my proposal could be attached to.

Mr. Speaker, the fiscal year 2000 Defense Appropriations Conference Report approved by the House last week

contains provisions giving the President broad waiver authority over several sanctions against India and Pakistan, including the Pressler amendment. There are indications that the President will veto this bill, although for unrelated reasons.

The intent of my legislation is essentially to return to the status quo on the Pressler amendment. It is my hope that last week's military coup in Pakistan, which certainly is very regrettable, may help to refocus congressional attention to the danger of the giving military aid to Pakistan and result in renewed congressional support for retaining the Pressler amendment.

Mr. Speaker, I have long supported lifting the economic sanctions against India and Pakistan, which is also accomplished in the Defense Appropriations Conference Report.

I also want to thank the conferees for another positive provision: a Sense of the Congress Resolution that the broad application of export controls to nearly 300 Indian and Pakistani entities listed on the so-called "Entities List" adopted by the Bureau of Export Administration (BXA) should be applied only to those entities that make "direct and material contributions" to weapons of mass destruction and missile programs and only to those items that so contribute.

But I am concerned that other provisions in the conference report could result in renewal of U.S. arms transfers to Pakistan, a government that has engaged in an ongoing pattern of hostile and destabilizing actions. Indeed, keeping the Pressler amendment on the books is the best way to accomplish the goal behind the entities list: Namely for the United States not to contribute to Pakistan's drive to develop or acquire weapons of mass destruction.

Mr. Speaker, it does not make sense to apply sanctions against commercial entities that have barely a passing relationship with weapons programs while waiving the Pressler amendment and thereby allowing for direct transfer of military technology.

It has been widely reported, Mr. Speaker, last week that the Pakistani Army Chief of Staff led a military coup against the civilian government. Ironically, we have seen several recent efforts from Pakistan to win concessions from the U.S. as a means of propping up Prime Minister Sharif's government and forestalling a military coup. These include the ill-advised attempts to have a special mediator appointed for the Kashmir conflict as well as efforts to reopen the supply of U.S. military equipment to Pakistan. But in light of the latest Pakistani coup, the futility of the strategy is apparent.

The Pressler amendment, named for the former Senator from South Dakota, was invoked by President Bush in response to Pakistan's weapons development program. It was good law when it was first adopted and it is still good law today. Earlier this year we were reminded about why the Pressler amendment was needed because of the way Pakistan instigated the hostilities in the Kargil region of Kashmir. In fact, it was the same generals who masterminded last week's coup who pressed for the disastrous military campaign in Kashmir, and we are continually confronted with evidence of Pakistani involvement in nuclear weapons and missile proliferation in other hostile or unstable regions. Last week's coup only further reminds us of the danger of renewing U.S. military ties with Pakistan.

Mr. Speaker, I want also to register my concern over recent published reports attributing to State Department officials the suggestion that a resumption of arms supplies to Pakistan would be considered as an incentive for the return to civilian rule. On this point I want to reiterate that the purpose of the legislation I have introduced is to make sure that this administration and future administrations do not provide arms to Pakistan.

Mr. Speaker, last Friday The New York Times columnist, A.M. Rosenthal, who once covered South Asia, wrote a column called ''The Himalayan Error.'' He focused on something I have often criticized, namely the pronounced tilt toward Pakistan in U.S. foreign policy. This tilt has resulted in neither democracy for Pakistan nor stability for the region.

On Sunday, another New York Times op-ed writer, Steven R. Weisman, wrote an article entitled, ''Pakistan's Dangerous Addiction to Its Military.'' And quoting from that piece, ''[A] major reason Pakistan has such a stunted political tradition compared with India is that the Army has run the country for nearly half of its short history.''

Mr. Speaker, the U.S. obviously cannot bring about democracy in Pakistan or change the Pakistanis' international behavior overnight, but we can avoid the policies that encourage Pakistan's military leaders to seize power, to foment instability in South Asia, to threaten their neighbors and to collaborate with other unstable regimes in the development and transfer of weapons of mass destruction. Clearly, reopening the American arms pipeline to Pakistan would be a disastrous mistake.

Mr. Speaker, I include those two New York Times articles for the RECORD.

[From the New York Times, Oct. 15, 1999]

THE HIMALAYAN ERROR

(By A.M. Rosenthal)

Ever since their independence, the U.S. has made decisions about India and Pakistan fully aware that it was dealing with countries that would have increasing political and military significance, for international good or evil.

Now that both have nuclear arms capability and Pakistan has been taken over again by the hard-wing military, the American Government and people stare at them as if they were creatures that had suddenly popped out of nowhere—and as if their crises had no connection at all to those 50 years of American involvement in the India-Pakistan subcontinent.

The destiny of the two countries—war or peace, democracy or despotism—lies with their billion-plus people, their needs and passions.

But American decision-making about them has been of Himalayan importance—because from the beginning it was almost entirely based on a great error. America chose Pakistan as more important to its interests than India.

Both countries have a powerful sliver of their population who are plain villains—politicians who deliberately splinter their society instead of knitting it, men of immense wealth who zealously evade taxes and the public good, religious bottom-feeders who spread violence between Hindu and Muslim in India and Muslim and Muslim in Pakistan.

But living for about four years as a New York Times correspondent based in India and traveling often in Pakistan, I knew that the American error was widening and catastrophic.

Although there were important mavericks, American officialdom clearly tilted toward Pakistan, knighted it a military ally and looked with contempt or condescension on India. Pakistan—a country whose leadership provided a virtually unbroken record of economic, social and military failure and increasing influence of Islamicists.

Many U.S. officials preferred to deal with the Pakistanis over the Indians not despite Pakistan's tendency to militarism but because of it. Man, the military fellows can get things done for you.

Washington saw the country as some kind of barrier-post against China, which it never was, and against Soviet invasion of Afghanistan. The Pakistanis did their part there. But when the Taliban fanatics seized Afghanistan, Pakistan's military helped them pass arms for terrorists to the Mideast.

Pakistan's weakness as an American ally, though Washington never seemed to mind, was its leaders refusal to create continuity of democratic governments long enough to convince Pakistanis that the military would not take over again tomorrow.

Across the border, India, for all its slowness of economic growth and its caste system, showed what the U.S. is supposed to want—consistent faithfulness to elected democracy. Where Pakistan failed to maintain political democracy in a one-religion nation, India has kept it in a Hindu-majority country that has four other large religions and a garden of small ones.

Danger sign: The newly re-elected Hindu-led coalition will have to clamp down harder against any religious persecution of Muslims and Christians. India's real friends will never lessen pressure against that. And the new government is not likely to stay in office long if it does not fulfill its anti-persecution promises to several parties in the coalition.

No, the U.S. did not itself create a militaristic Pakistan. But by showing for years that it did not care much, it encouraged Pakistan officers prowling for power, lessened the public's confidence in democratic government when Pakistan happened to have one and slighted the Indians' constancy to democratic elections.

In 1961, in the U.S. Embassy in Seoul, I heard the ranking U.S. diplomat urge Washington not to recognize the military gang that had just taken over South Korea after ousting the country's first elected government in its history.

But the Kennedy Administration did recognize the military government. That throttled South Koreans with military regimes for almost another two decades.

The Clinton Administration is doing what America should: demand the departure of the generals. Maybe America still has enough influence to be of use to democracy some place or other in Asia. It's the least it can do for

its colossal error on the subcontinent—do for Indians, but mostly for Pakistanis.

[From the New York Times, Oct. 16, 1999]

PAKISTAN'S DANGEROUS ADDICTION TO ITS MILITARY

(By Steven R. Weisman)

It is always tempting to see Pakistan as an artificial country carved painfully out of the remnants of the British empire, a place of such virulent sectarian hatreds and corrupt leadership that only the military can hope to govern it successfully. That view has returned now that Pakistan has suffered its fourth military coup in 52 turbulent years as a nation. Even some Pakistanis who believe in democracy but were opposed to Prime Minister Nawaz Sharif welcomed military intervention to change regimes.

But if a country is unruly, having generals rule is no solution. Pakistan's last military regime, which lasted from 1977 to 1988, was a useful ally, particularly in opposing the Russians in neighboring Afghanistan. But by crushing dissent, tolerating corruption and having no accountability for 11 years, the military lost credibility among Pakistanis and was eventually overwhelmed by the nation's problems.

Last spring, Pakistan's generals got the disastrous idea of sending forces into Indian territory to occupy the mountains of the disputed state of Kashmir. Indian guns and planes were driving the intruders out, and under American pressure Mr. Sharif wisely agreed to arrange for a facesaving withdrawal. Now the generals, unhappy with Mr. Sharif's retreat, have seized power, suspended the Constitution and imposed martial law, despite the absence of any threats of turmoil in the streets.

Imagine what might have happened in Kashmir had Mr. Sharif's withdrawal agreement not prevailed. The military might well have retaliated by bombing India's artillery positions, a step that probably would have forced Prime Minister Atal Behari Vajpayee to listen to his generals and invade Pakistan. These escalations could very easily have spiraled into a nuclear exchange.

As a nation, Pakistan always had a shaky foundation. Its name, which means ''land of the pure,'' is drawn from some of its constituent ethnic groups. The Bengalis of East Pakistan broke off in 1971 to become Bankladesh, and the other groups have been squabbling since. Islam is not the unifying ideology that Pakistan's founders hoped it could be.

One problem is that the original building blocks of Pakistani socieity—the clergy, the military and the wealthy feudal lords who owned most of the land—have fractured. Today the military is split into secular and Islamic camps. The landlords' power has flowed to a newly wealthy business class represented by Mr. Sharif. The clergy is split into factions, some of which are allied with Saudi Arabia, Iran, the terrorist Osama bin Laden, the Taliban in Afghanistan and others. Corruption, poverty, guns and drugs have turned these elements into an explosive mix.

To revive the idea of religion as the glue holding the country together, Pakistani leaders have promised many times to enforce Islamic law. But they have never been able to implement these promises because most Pakistanis are not doctrinaire in their approach to religion. Alternatively, the nation's leaders have seized on the jihad to ''liberate'' fellow Muslims in Kashmir, India's only Muslim-dominated state.

''The Pakistani army generals are trying to convince themselves that defeat in Kashmir was snatched from the jaws of victory by Sharif and his stupid diplomats,'' said Michael Krepon, president of the Henry L. Stimson Center. ''This theory recurs in Pakistani history, and it is very dangerous.''

In his address to the nation, Gen. Pervez Musharraf, the army chief of staff who ''dismissed'' Mr. Sharif, spoke of the military as ''the last remaining viable institution'' of Pakistan. But by imposing martial law, he has embarked on a well-trod Pakistani path toward ruining that reputation. Without question, Mr. Sharif blundered in cracking down on dissent, trying to dismiss General Musharraf and relying on cronies and family members for advice. Some Indians like the writer M.J. Akbar, editor of The Asian Age, say that it might be easier to make a deal with Pakistan's generals now that they are overtly in charge, rather than manipulating things behind the scenes. But a major reason Pakistan has such a stunned political tradition, compared with Indian, is that the army has run the country for nearly half its short history. The question remains: If Pakistanis are not capable of governing themselves, why would Pakistanis wearing uniforms be any different?

## FASTER INTERNET SERVICE THROUGH GREATER CHOICE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Massachusetts (Mr. MEEHAN) is recognized during morning hour debates for 1 minute.

Mr. MEEHAN. Mr. Speaker, Internet use and access is booming and competition among Internet service providers is finally beginning to offer consumers real choices. These developments make on-line communication easier, cheaper, and more reliable.

Unfortunately, consumers have not yet fully realized the benefits of increased competition as was predicted with the passage of the Telecommunications Act. One way to give consumers these benefits is to let our local telephone companies enter into Internet competition.

Permitting the Baby Bells to compete in Internet service will spur investment in technology by giving companies the incentive to upgrade their networks.

Consumers will benefit by receiving faster Internet service through a greater choice of providers.

Mr. Speaker, I urge the House to consider legislation to give Internet consumers more access to the Internet.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 37 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

## AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

## PRAYER

Rabbi Raphael Gold, Savannah, Georgia, offered the following prayer:

Our Heavenly Father, we pray that Thou mayest endow this august body, the duly elected representatives of the people of these United States, with the power of wisdom which comes from Thee.

In these perilous times, we pray, O Lord, that Thy qualities of mercy endure now and forever in the hearts of this Congress. Infuse them with Thy spirit of compassion, understanding, and Thy spirit of holiness, that they may fulfill their charge. May they speedily address the problems of poverty, hunger and homelessness which afflict such a large segment of this Nation and the world.

May this great land of ours, blessed by God with the resources, both spiritual and material, realize its potential with which it has been created. May all the differences which deflect from the realization of our goals be set aside, so that peace and prosperity, truth and justice, freedom and equality be the heritage and legacy of all peoples, both here and abroad.

May the Members of the Congress, and all Americans, rise to the fulfillment of the motto engraved on our coinage, e pluribus unum, that we are one people, created in the image of God, responsible for each other's well-being, so that we might truly dedicate our lives to the words which appear above us, ''In God We Trust,'' and may he always be the guiding light of this Congress. And let us all say, Amen.

## THE JOURNAL

The SPEAKER. 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.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. TRAFICANT. 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. Evidently a quorum is not present.

Pursuant to clause 8, rule XX, further proceedings on this vote will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

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

Mr. CHABOT 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.

## PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the individual bill on the Private Calendar.

## BELINDA McGREGOR

The Clerk called the Senate bill (S. 452) for the relief of Belinda McGregor.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

## A TRIBUTE TO CINCINNATI POLICE OFFICER STEVEN WONG

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

Mr. CHABOT. Mr. Speaker, my hometown, Cincinnati, is saying goodbye to one of its most respected public servants, and I am saying goodbye to a good friend. After a lengthy battle with cancer, Cincinnati Police Sergeant Steve Wong has passed away at the young age of 45. He will be sorely missed by his family, his wife, Christy, and his sons Jared and Bret, and his parents, Tom and Anna, and by his colleagues and his friends.

Steve Wong was one of those individuals who earned the respect of everyone who knew him. Upon Steve's death, Cincinnati Police Lieutenant Colonel Richard Biehl said, ''I do not think I have ever known anyone who was so universally liked in the police division.'' So much so by his colleagues that the Cincinnati Police Department raised funds to help pay his medical bills and donated their sick leave in order to help Steve and his family through their long ordeal. That says something about the quality of the Cincinnati Police Department as well.

Mr. Speaker, Cincinnati will miss Steve Wong. His commitments to his community were unparalleled. Even while battling cancer himself, Steve volunteered to assist other cancer patients and their families during their time of need. He was truly a great American. We all extend our condolences to his family. Steve is gone, but he will never be forgotten.

## VOICES AGAINST VIOLENCE SUMMIT

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

Ms. SANCHEZ. Mr. Speaker, I rise today to honor my constituent and the Orange County delegate to the Voices Against Violence Summit this week. As my colleagues know, our Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), is sponsoring a youth summit to combat teen violence, and I am proud to be participating in this event.

Michelle Aceves is in Washington as a result. She is a recent graduate of Century High School of Santa Ana, and now she attends Orange Coast College, where she is studying psychology and broadcast journalism. She plans to complete her studies at the University of California at Santa Barbara.

In addition to her academic commitment, Ms. Aceves works part-time and volunteers at McFadden Middle School in my district. Hundreds of teenagers like Michelle from across the country are here this week to share their ideas on youth violence. Michelle and her fellow delegates have proven what many of us have long known, that our teenagers believe that helping our children and young adults stay safe is a top priority and that they want to help solve this crisis.

This conference will lay the foundation for local projects to prevent violence in our schools. Our teens can contribute to the congressional debate on youth violence, and they can help to find solutions. But we must listen.

## IN MEMORY OF PAUL STUART

(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, last Wednesday the University of Nevada's athletic department and the Wolfpack supporters suffered an enormous loss when their sports information director, Paul Stuart, passed away.

Stuart was an avid sports enthusiast and became the Wolfpack's biggest fan when he took the job in 1981. His career at the University of Nevada, Reno, was decorated with numerous awards and citations for simply being one of the best. Whether it was designing the next media guide or providing radio and television commentary, Paul Stuart succeeded in providing a shining light on the Pack's athletic achievements.

Stuart, a 1975 graduate from the University of New Mexico, went on to become the information service director at New Mexico Highlands University. Soon after, he left for Nevada and became one of the hardest working individuals in the Wolfpack athletic department, sometimes working well late into the night.

And though Paul Stuart was perhaps the largest promoter and fan of the Nevada athletic teams and individuals, he was an even larger fan of his family. Mr. Speaker, as both a Nevadan and a Wolfpack alumnus, my thoughts and prayers go out to Paul's wife Annie and his four children, Calvin, Lindsay, Kara, and Kelsey. He will be sorely missed.

## RUSSIAN POLITICAL LEADERS ARE STEALING AMERICAN FOREIGN AID

(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, $7.5 billion Russian dollars turned up in a bank in New York. Now, what is going on here? Russia is so poor they cannot buy toilet paper. When asked about it, fumbling, bumbling, stumbling Boris said, ''I'm no criminal. It's not my money.''

Who is kidding whom? Two and a half million of those dollars were traced back to Boris's son-in-law. Beam me up, Mr. Speaker. Russian politicians are stealing American foreign aid. Boris does not need American cash; Boris needs Alcoholics Anonymous.

I yield back all the bleeding hearts in Washington and all around America that keep pumping money into Russia.

## ENACT H.R. 2420, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 1999, AND ELIMINATE THE WORLD.WIDE.WAIT

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

Mr. BARTLETT of Maryland. Mr. Speaker, broadband Internet access promises to revolutionize the way Americans live, play, and learn. However, only 2 percent of Americans have access to broadband communications.

Today, consumers must settle for slow Internet access. Most of us have experienced the worldwide wait of too many consumers trying to get on and surf the Net at the same time through slow dial-up connections overloading the system.

Is there anything Congress can do to clear the traffic jam? Yes. Congress can pass H.R. 2420, the Internet Freedom and Broadband Deployment Act of 1999. That will encourage companies to build out the Internet backbone and allow the benefits of broadband to flow freely to all consumers rather than the current trickle down to a lucky few.

H.R. 2420 will remove the regulatory barriers erected by the FCC that are hindering the deployment of broadband services by the Bell companies. These companies should be encouraged, instead of discouraged, to invest in broadband services.

This legislation already enjoys broad bipartisan support. I urge all of my colleagues to cosponsor H.R. 2420 today.

## FY 2000 FUNDING FOR THE GEAR-UP PROGRAM

(Mr. BROWN of Ohio asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I rise today to tell two stories, one of success, and one of failure.

In August, the Education Department awarded a grant to a local coalition dedicated to helping students in Lorain, Ohio, go to college. The grant is part of the Gaining Early Awareness and Readiness for Undergraduate Programs, or GEAR-UP.

Lorain County has a large number of low-income students and the lowest incidence of postsecondary education in northeast Ohio. The GEAR-UP program provides training and materials to volunteer mentors from local industry and universities. These positive role models will meet with students early, before they internalize negative messages. The program intends to motivate students to ask for, and answer to, increased academic demand.

But here is where we risk failure. Funding for GEAR-UP is eliminated in the current Labor-HHS appropriations bill. Why? Because GEAR-UP supports public-private partnerships to support local students? Because it creates dollar-for-dollar matches between local partnerships and States? Because it provides college scholarships to reinforce the message that hard work begets opportunity?

Mr. Speaker, let us make sure our failure does not deter students from future successes before they have a chance to begin. Let us fund the GEAR-UP program.

## CONGRESS SHOULD REPEAL THE MARRIAGE TAX PENALTY

(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, I would like to read a portion of this 21-page report, entitled ''The State of Our Union, the Social Health of Marriage in America,'' by David Popenoe and Barbara Dafoe Whitehead.

It says, and I quote:

> Key social indicators suggest a substantial weakening of the institution of marriage in America. Americans have become less likely to marry. When they do marry, their marriages are less happy, and married couples face a high likelihood of divorce.

The report goes on to say many other things. It has many findings. It concludes that marriage is a fundamental social institution; that it is central to the nurture and raising of children. It is the social glue that reliably attaches fathers to children. It contributes to the physical, emotional and economic health of men, women, and children and, thus, to the Nation as a whole.

Mr. Speaker, Congress should promote policies that value, endorse, and encourage marriage, not punish it. We should repeal the marriage penalty tax.

## DEMOCRATS CANNOT BREAK ADDICTION TO SPENDING

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

Mr. HILL of Montana. Mr. Speaker, it absolutely astounds me. It astounds me to hear Democrats come to this floor and suggest that a 1 percent across-the-board spending cut would threaten government. I believe, without a shadow of a doubt, that our government still wastes 1 percent or more of its budget.

What those Democrats are actually saying is that they cannot find a way to break their addiction to spending money. Mr. Speaker, for 40 years, when the Democrats ran this House, they were so addicted to spending that they raided every trust fund in government. They raided the Highway Trust Fund, they raided the Aviation Trust Fund, they raided the Medicare Trust Fund, they raided the Social Security Trust Fund.

Mr. Speaker, they cannot break this addiction to spend, even though it threatens the well-being of our country, even though it threatens the retirement of over 30 million seniors. They lack the willpower to do what is necessary to maintain the discipline we have brought to this House.

We Republicans have the discipline, the willpower, and the commitment to do what is right, and that is to stop the raid on Social Security and to do it now.

□ 1015

## STATE FLEXIBILITY FOR MINIMUM WAGE

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

Mr. DEMINT. Mr. Speaker, we have an exciting opportunity to give our States greater control over the minimum wage so they can continue to help those struggling to make ends meet. In 1996, we gave the States the responsibility to move people off of welfare and into productive jobs. Today, States need the freedom to tailor the best wage rates to fit the needs of their communities.

Mr. Speaker, State flexibility gives security to those who need it and opportunity to those who want it. It allows each State to choose the minimum wage increase that is in the best interests of its workers and those struggling to find jobs. More importantly, State flexibility recognizes that our governors and State representatives are no less compassionate or committed to improving the lives of our most disadvantaged citizens.

I ask my colleagues to send dollars, decisions and freedom home. Let us support State flexibility for the minimum wage.

## PRESCRIPTION FOR DISASTER FROM IMF

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

Ms. MCKINNEY. Mr. Speaker, the IMF fiddles while the world's poorest countries burn, in poverty, disease, ignorance and debt. The International Monetary Fund uses its control over global finances to impose economic and social policies on poor countries. The result: poor people in poor countries have virtually no health care, no education, and crippled economies.

The IMF is not a doctor with a cure, it is a quack selling poison potions. The United Nations just released a report saying that over 800 million people go to bed hungry every night, and the world's three richest people, Bill Gates, Warren Buffet and Paul Allen, have more than the GNP of all poor countries on the planet combined.

The time to act is now. We must stop the IMF from imposing austerity and poverty on countries too poor and hungry to fight back.

## SOCIAL SECURITY LOCKBOX HELD HOSTAGE

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

Mr. HERGER. Mr. Speaker, today is day 145 of the Social Security lockbox held hostage by the Senate Democrats and President Clinton. One hundred forty-five days ago, House Republicans and Democrats joined together to pass my legislation, H.R. 1259, the Social Security and Medicare Safe Deposit Box Act of 1999, by an overwhelming 416–12 vote. The House of Representatives has made a commitment to not spend one penny of the Social Security trust fund on unrelated programs.

Senate Republicans have attempted to bring this bill to the Senate floor seven times and on seven occasions the measure was blocked from even being considered by a straight party line vote. Mr. Speaker, American seniors deserve more from Senate Democrats and President Clinton. They deserve a lockbox for their Social Security.

## TRIBUTE TO JUDGE KENNETH W. STARR

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

Mr. STEARNS. Mr. Speaker, I rise today to pay tribute to Judge Kenneth W. Starr and thank him for more than 5 years of service of investigating and prosecuting crime and corruption at the highest levels of this Nation's government. What started out as an investigation of a land deal soon led down the road to lies and deceits. For the 5 years of his life Judge Starr devoted in his search for truth and justice, he encountered nothing short of roadblocks,

spin control, lies, and ultimately perjury. His opponents decried his actions as a wild fishing excursion bent on criticizing the President. However, he obtained 14 convictions on guilty pleas.

At the end, his work ultimately led to the impeachment of a sitting U.S. President for only the second time in this Nation's history. His tireless and relentless efforts brought in the Supreme Court, forcing them to answer constitutional questions never before considered but important to the ultimate protection of our constitution. He may look like Clark Kent but behind that mild-mannered persona is a modern day man of steel, fighting for truth, justice and the American way.

## HOPES FOR SUBWAY SERIES STILL ALIVE

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Mr. Speaker, I rise this morning to give my deepest condolences to my good friends and colleagues from the State of Massachusetts. Last night, the New York Yankees did in the Boston Red Sox. We apologize for not doing it in four, but we did it in five to get you out of your misery.

And to my good friends in Atlanta, we know that you do not want to return to New York, so the Mets will make sure of that, for you gotta believe, the Mets in seven. The World Series, my dear friends, will be in New York, either in Queens or the Bronx. See you all next weekend.

## STOP THE RAID ON SOCIAL SECURITY

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

Mr. WATTS of Oklahoma. Mr. Speaker, the White House spin this morning has spun out of control again. A Washington newspaper reported today that the Congressional Budget Office says GOP spending measures have already dipped into the Social Security surplus.

Mr. Speaker, I hold in my hand actual proof that that is not true. In a letter to the Speaker dated September 30, the director of the CBO reported that currently proposed spending measures will not use any of the projected Social Security surplus in fiscal year 2000. Let me say that again, will not use a projected Social Security surplus.

Republicans in Congress have painstakingly worked to craft spending measures that do not spend the Social Security surplus, thereby stopping the 40-year raid on the Social Security trust fund.

Mr. Speaker, let us be honest with the American people even if our newspapers cannot be. Current GOP spending measures do not dip into the Social Security surplus and we are committed to not dipping into the Social Security surplus. Social Security is the people's retirement fund, not the President's personal slush fund. Stop the raid on Social Security.

## URGING PRESIDENT TO SIGN DEFENSE SPENDING BILL

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

Mr. ARMEY. Mr. Speaker, after vetoing the foreign aid bill because the President thought it was too little spending, the President now is threatening to veto the defense spending bill because he believes it is too much spending.

Mr. Speaker, this is the same bill that will correct the Clinton-Gore neglect of our military that has stretched our forces thin in the past 8 years. Since the end of the Gulf War, our military has shrunk by 40 percent. At the height of the Reagan administration, the Navy had 586 ships. Today, it has 324. Since 1987, active duty personnel have been cut by more than 800,000 people.

Mr. Speaker, the defense spending bill we sent the President will fix these problems and it will do more. Our bill would give our troops a long overdue pay raise. It will also give our troops modern weapons and a better standard of living.

I urge the President not to play politics with our military pay raise. I urge the President not to play politics with the quality of life of our troops. The American people overwhelmingly support our defense spending bill. In fact, this bill got more than 370 votes in the House of Representatives.

Mr. Speaker, our service men and women deserve more than politics. They deserve President Clinton's signature on our defense spending bill.

## THE JOURNAL

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

Mr. BROWN of Ohio. 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 337, nays 56, answered ''present'' 1, not voting 39, as follows:

[Roll No. 509]

YEAS—337

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Cramer
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Price (NC)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton

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| Smith (MI) | Taylor (NC) | Watkins |
| Smith (NJ) | Terry | Watt (NC) |
| Smith (TX) | Thomas | Watts (OK) |
| Smith (WA) | Thornberry | Waxman |
| Snyder | Thune | Weiner |
| Souder | Thurman | Weldon (FL) |
| Spence | Tiahrt | Weldon (PA) |
| Spratt | Tierney | Wexler |
| Stabenow | Toomey | Weygand |
| Stark | Towns | Wicker |
| Stearns | Traficant | Wilson |
| Stenholm | Turner | Wolf |
| Stump | Upton | Woolsey |
| Sununu | Velazquez | Wu |
| Talent | Vitter | Wynn |
| Tanner | Walden | Young (FL) |
| Tauzin | Walsh | |

NAYS—56

| | | |
|---|---|---|
| Aderholt | Gutierrez | Pickett |
| Baird | Gutknecht | Pomeroy |
| Bilbray | Hefley | Ramstad |
| Borski | Hilleary | Sabo |
| Brady (PA) | Hilliard | Sanford |
| Brown (OH) | Jackson-Lee (TX) | Schaffer |
| Clyburn | Klink | Stupak |
| Coburn | Kucinich | Sweeney |
| Costello | Lipinski | Tauscher |
| Crane | LoBiondo | Taylor (MS) |
| Crowley | McDermott | Thompson (CA) |
| DeFazio | McNulty | Thompson (MS) |
| Dickey | Miller, George | Udall (CO) |
| English | Moran (KS) | Udall (NM) |
| Evans | Pallone | Vento |
| Filner | Pastor | Visclosky |
| Ford | Peterson (MN) | Wamp |
| Gillmor | Phelps | Waters |
| Green (TX) | | Weller |

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—39

| | | |
|---|---|---|
| Bonior | Engel | Oberstar |
| Burton | Fattah | Porter |
| Buyer | Frost | Pryce (OH) |
| Camp | Gephardt | Rangel |
| Clay | Jefferson | Ros-Lehtinen |
| Clayton | Johnson (CT) | Rush |
| Clement | Johnson, Sam | Scarborough |
| Cox | Lampson | Sessions |
| Cubin | Lewis (GA) | Slaughter |
| Cummings | Martinez | Strickland |
| DeLauro | McIntosh | Whitfield |
| DeLay | Menendez | Wise |
| Dixon | Norwood | Young (AK) |

□ 1048

So the Journal was approved.

The result of the vote was announced as above recorded.

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2000

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 334 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 334

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 71) making further continuing appropriations for the fiscal year 2000, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, I very much appreciate the overly large and enthusiastic crowd here to enjoy this debate.

Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very dear friend, the gentleman from south Boston and extend condolences to him with the outcome of last night's game, and pending that I yield myself such time as I may consume. Mr. Speaker, all time yielded will be for the purposes of debate only.

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

Mr. DREIER. Mr. Speaker, this rule provides for the consideration of H.J. Res. 71, making further continuing appropriations for the fiscal year 2000 and for other purposes, under a closed rule, waiving all points of order. The rule provides that the joint resolution shall be considered as read. It provides for one hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and it provides for one motion to recommit.

As my colleagues know, Mr. Speaker, the previous continuing resolution expires at the end of the day on Thursday, the day after tomorrow, and a further continuing resolution is necessary to keep the government operating while Congress completes the few remaining appropriations bills that have yet to be sent to the President or have been vetoed. H.J. Res. 71 simply extends the October 21 deadline to October 29.

Mr. Speaker, contrary to what some may contend and I suspect what we may hear in the next hour, we are, from an historical perspective, ahead of schedule. Let me say that again. We are ahead of schedule on our appropriations work. Congress, under both Democratic and Republican majorities, regularly utilize continuing resolutions as a method of keeping the government functioning while negotiations continue. In fact, only three times, let me say that again, Mr. Speaker, only three times in the last two decades, the last 20 years, has Congress passed all 13 appropriations bills by the fiscal deadline. And, with the constraints that we are dealing with now, the Balanced Budget Agreement of 1997, I think that it is very, very appropriate that we are exactly where we are.

Despite the best efforts of the President and some of the minority, we are committed to passing all of the appropriations bills without borrowing one dime of the Social Security Trust Fund, again an unprecedented issue, and this very short-term continuing resolution is necessary so that we can, in fact, achieve that very important objective.

The continuing resolution was thoroughly vetted by the joint leaderships of the House and the Senate, the Committees on Appropriations, and the White House. Therefore, Mr. Speaker, I am going to urge my colleagues to support it, and I urge them to try and keep the rhetoric at as low a level as possible.

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

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

I thank my colleague and my very dear friend, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for yielding me the customary half-hour, and I yield myself such time as I may consume.

I am very happy to hear the chairman say that we are ahead of schedule, but evidently the Republicans must have added 3 months to the calendar, because I do not know how we can be ahead of schedule on the schedule we are on.

Mr. Speaker, this rule provides for the consideration of the second continuing resolution to come before the House this year. This will enable the Federal Government to remain open until October 29, despite my Republican colleagues' inability to finish the 13 appropriation bills by the day they were due.

Mr. Speaker, I understand that appropriations bills take an enormous amount of time and an enormous amount of work, but the October 1 deadline has been in effect for years and it should not come as any surprise that these bills were supposed to have been completed and sent to the President before that day. In fact, every single fiscal year since my Republican colleagues took control of the Congress, we have had to pass continuing resolutions to keep the Federal Government open. Otherwise, the Federal Government would shut down like it did in 1995; and Mr. Speaker, the American people are not going to stand for that again.

So far, we have passed five appropriations bills that have been signed into law: Legislative branch, Transportation and Military Construction, Treasury-Postal, Energy and Water. Two await action at the White House: Agriculture and Defense. The Senate is working to pass VA–HUD. Two have already been vetoed and must be rewritten: District of Columbia and Foreign Operations. Two have yet to pass the House: Interior and Commerce-Justice. And, Mr. Speaker, one has not even been reported out of subcommittee, and that is Labor-HHS.

But, there is reason to be optimistic. Today, President Clinton has invited our Republican colleagues to join with the Democratic leaders at the White House to try to resolve some of these outstanding appropriation issues. I commend President Clinton for reaching out to my Republican colleagues, and this will be the first time they have met with the President on appropriations; and despite this late date, Mr. Speaker, I wish all of them well in their negotiations.

Although I am sorry my Republican colleagues have not finished their

work, I will support this second continuing resolution because the American people deserve a government that is open for business 24 hours a day. I urge my colleagues to support this bill.

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

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Indian Rocks Beach, Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations, who has worked long and hard; he and his committee have worked long and hard.

Mr. YOUNG of Florida. Mr. Speaker, I really had not planned to speak on the rule because I thought we might handle the rule quickly and then get to the continuing resolution, but when my dear friend from Massachusetts mentioned the fact that he disagreed with the gentleman from California (Mr. DREIER) that the Republicans had kept the appropriations schedule on track, he said they changed the calendar by about 3 months. It was not us that did that.

I remember when the gentleman from Massachusetts (Mr. MOAKLEY) and I were both here in 1974 when the Democrats did that. The fiscal year used to begin on July 1. They could not get the job done, despite the fact they had massive majorities in the House. So they just changed the date of the fiscal year from the first of July to the first of October.

Now, Mr. Speaker, I would like to also say to my friend, the gentleman from Massachusetts (Mr. MOAKLEY) and any others who are concerned about the pace, the House Committee on Appropriations had reported out 12 of the 13 appropriations bills before the end of July, plus the two supplementals. The only bill that we did not report out was the Labor-HHS bill. And of all of the bills we reported out, we passed them all before the August recess in the House, all but the VA–HUD bill. And the VA–HUD bill was held up out of respect for a member on the Democrat side who requested that we postpone consideration of that bill, and we were more than happy to do it. So the House has pretty much done its job on appropriations ahead of schedule.

So I just took this time to remind my very dear friend from Massachusetts that the House appropriators have done a pretty good job in keeping the train on the track and keeping it running on time. There have been some other situations that have slowed us down somewhat, but we are overcoming those too. And we are prepared, before this week is over, to have all of the conference reports on the President's desk.

Mr. MOAKLEY. Mr. Speaker, I am very happy to hear the chairman say we are ahead of schedule. If we are, what are we doing here?

Mr. Speaker, I yield 12 minutes to the gentleman from Wisconsin (Mr. OBEY), a gentleman who has a very, very good memory, and who is the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, the first thing we ought to do is dismiss the piece of fiction that we just heard from my good friend from Florida (Mr. YOUNG). He just told this House that because the Congress could not pass a budget on time back in the 1970s, that it simply added 3 months to the fiscal year. That is absolutely, totally not true.

□ 1100

It is interesting to me how people sometimes continue believing in fictions that they themselves have invented if they repeat those fictions often enough, and I think this is one such case.

The fact is that what happened in the mid-seventies is that the Congress redrew the entire budget process and when they did that they put into motion a change that would be effective 2 years later, which would simply change the fiscal years which used to run from July to July. They simply changed it to run from October to October because Congress was not getting its budget done in July and August. That is what they did.

There was no invention of an additional 3 months, and the gentleman, if he does not understand that, certainly should.

Now, why are we here in this charade? We are here because our work is not done. This is not the first time; that is absolutely true. If we are behind, it is not the fault of the gentleman from Florida (Mr. YOUNG). It is not the fault of the Committee on Appropriations.

We are here, in my view, and I am trying to be as unbiased about this as possible, we are here basically for four reasons. First of all, because a budget deal was signed by the President and the congressional leadership 3 years ago which was a public lie. That budget promised that the Congress was going to make across-the-board cuts averaging 13 percent over 5 years' time in real terms. I said at the time that was a public lie, that the Congress would never do that to education or health care or defense, and I think events have demonstrated my criticism to be correct.

The second reason we are here is because, as Senator STEVENS noted in the conference yesterday, the Congress got behind by 3 months because it was busy trying to impeach the President and drive him from office. So that slowed us down by 3 months. Then we were slowed down another 6 months because our majority friends in the Republican Party tried to pass a tax bill that gave 70 percent of the benefits to the wealthiest 5 percent of people in this country, those folks who make over $100,000 a year, and that huge tax got in the way of our being able to do anything to strengthen Social Security or Medicare or to add to our support for education and health care.

It also meant that they had no time to fix Social Security and no time to fix Medicare, something the President asked us to do in his State of the Union message. Then the problem was compounded by the fact that the Republican majority added $14 billion above the amount the Pentagon asked for, first for the supplemental that went through here a few months ago and then in the regular defense bill.

Having spent such a huge amount of money on Republican priorities, there was not then enough room in the budget to meet the President's priorities for land legacy, for smaller class size, for the social services block grant, and for cops on the beat and other programs that the President thinks are important.

Yet, to pretend that there was enough room in the budget to do all of the things that have been promised, our Republican friends invented some $40 billion worth of gimmicks in their budget to pretend that they are not blowing money like crazy. They invented the 13-month concept. What they are saying is they are going to write checks for $27 billion, but they are going to tell people: ''Do not spend the money until after October 1 so that it will show up on the books for the next year rather than this year.'' That is simply a $27 billion gimmick, which makes the budget look a lot better than it is.

Second, they then told the Congressional Budget Office, which is supposed to be our neutral scorekeeper, they have told them: ''Boys and girls, just ignore what you really think these programs are going to really cost and simply tell us in your official bookkeeping that they are going to cost $14 billion less than you think they are going to cost us. So that hides another $14 billion.

Then what they have done is they have produced what they call ''emergency'' spending, because under our ridiculous budget rules if we call a program an emergency spending item then that spending does not count under the budget ceilings that we have imposed upon ourselves. In the past, we had gimmicks like that to the tune of about $3 billion a year, and they were primarily for programmatic reasons because there were some programs like the low-income heating assistance where we needed to know a year in advance how much money we were going to spend, so we appropriated a year in advance.

But they have converted that advance appropriation device into a device simply to again hide massive amounts of spending, and this small chart I have here demonstrates that while we used to have about $3 billion a year in that hidden advanced spending, in this year's budget that they are recommending we have $27 billion. That sets a new record for irresponsible accounting, as far as I am concerned.

Then what they say, after they have done all of that and adopted all of those gimmicks to pretend that the budget gap is much smaller than it

really is, then they say: ''Now we are going to jump across it with only a 1 percent cut and we are going to make everything sweet.'' That is like saying you can jump across the Grand Canyon because you define it as only 10 feet wide, but when they jump it is going to be a long fall, and I hope that is understood.

Now, what they are doing to cover their tracks is they are inventing this phony argument about Social Security. So the Republican Party that tried to kill Social Security in the cradle when it was first passed by President Roosevelt, the Republican Party that has tried to turn Medicare and Social Security over to the insurance companies by privatizing Social Security, the party that has for years tried to pass tax cuts which got in the way of our strengthening Social Security or Medicare—it in fact took money out of Medicare in order to pay for those tax cuts—that party is now claiming at this late date that it is somehow going to be a strong defender of Social Security.

I would like to say I think nothing is more appalling in this debate than the decline in the quality of debate as represented by the Social Security issue. The term ''spending Social Security'' could not be more misleading, and I would like to make a series of points that I do not think many people really dispute in order to show exactly how hollow this whole discussion really is.

First of all, no one is proposing spending any of the revenues collected for Social Security on anything other than Social Security beneficiaries, and they know it. If they assert otherwise, they are not telling the truth.

Second, the reserves in the Social Security Trust Fund are large and growing rapidly. At the end of last month, they exceeded $850 billion. They are rapidly approaching a trillion dollars. They will be over a trillion dollars before Christmas of 2000. One hundred percent of those reserves are in U.S. securities, and my colleagues know it. Neither party is offering a proposal that would change where we invest our Social Security reserves at any time over the next decade. All Social Security reserves will continue to be invested in U.S. treasuries, and my colleagues know that.

This Government ran huge deficits in the '80s and '90s in the non-Social Security side of the budget, and they were so large that the entire budget, including Social Security surpluses, was in deficit. Overall public debt exploded during that period. The best measure of that is that public debt as a percentage of our total national income jumped from 26 percent to more than 50 percent between 1980 and the mid-1990s.

That forced us as a country to make huge, heavy annual interest payments that weakened our ability to eventually meet our obligations for a strong defense, for investments in science and education, and to see to it that we would be in good shape fiscally to pay back Social Security when the baby-boomers retired.

I want to point something else out. Every budget submitted by Republican Presidents Ronald Reagan and George Bush, during the 12 years they held the White House, resulted in deficits in the non-Social Security side of the budget that exceeded the surplus in Social Security trust funds by a wide margin.

In 2 years, the Congress appropriated more money than Reagan and Bush requested, but in most years they appropriated less; and overall during those 12 years the Congress appropriated much less than they requested. That means that the on-budget deficits exceeded the surpluses in the Social Security Trust Fund for every one of those years. It means that those deficits can be directly attributed to the budget that they submitted and, again, my colleagues know that as well as I do.

In contrast, the budget submitted by this President has caused a dramatic reduction in the size of the on-budget deficits. In fiscal 1998 the on-budget deficit dropped to less than $30 billion. Since the Social Security Trust Fund collected $99 billion more than it paid out in that year, the overall unified government budget ran a $69 billion surplus!

Social Security surpluses exceeded on-budget deficits by more than two-thirds in that year. That was the first time that Social Security surpluses were larger than the on-budget deficits since the reform of Social Security in 1980.

In fiscal 1999, the story got even better, and it is going to be even better next year. The fact is that when we end the baloney between both parties, what we are going to find out is that we will have over a 3-year period paid down the public debt by over $250 billion, and despite all of the baloney and rhetoric to the contrary, that is the single best thing that will have happened to Social Security since Alan Greenspan and Claude Pepper saved it in the '80s by redrafting several provisions of the program.

So go ahead and cover the tracks if my colleagues want, or try as hard as they can. The fact is that the numbers indicate that good things, not bad things, are happening to Social Security. It has taken a long time for us to turn the corner on deficits; and what we ought to be doing is explaining to the American people in an honest way how we have gotten here and how we can make the situation even better rather than pretending that a crisis exists when, in fact, there is not one.

Mr. DREIER. Mr. Speaker, I yield 6 minutes to the gentleman from Westerville, Ohio (Mr. KASICH), the chairman of the Committee on the Budget, to explain this to the American people in an honest way.

Mr. KASICH. Mr. Speaker, I frankly am not particularly interested today, although I do enjoy a good Doris Kearns historical piece on Presidents in the 1940s, I am not all that interested in for today's purposes in what happened in the 1940s or what happened in the 1970s or, frankly, what even happened in the 1980s, although I think it is pretty clear at least in the 1980s Ronald Reagan came to power and reduced marginal rates. Imagine this, some people in America were paying 70 percent of what they earned, the marginal rate of 70 percent of what they earned, to the Government.

He also brought a package to the floor in 1981 that not only reduced the taxes on the American people, reduced those marginal rates that were choking us, and we might remember we had that famous malaise speech by Jimmy Carter who said that the answer to America's problems were that we ought to get out of our cars and start riding bicycles, and we ought to turn our thermostats down and buy more sweaters and that we were in a period of malaise, and Reagan came in and said, no, I think if we cut taxes and cut spending, we, in fact, could get things moving again.

He did spend more money on defense. Thank God, he spent more money on defense, because just this last week I read an interview by Vaclav Havel in one of the current magazines, Vaclav Havel talking about freedom and liberty, and thank God we used a strong American defense to set people free, millions and millions of people who at one point it was only a dream that they could actually think freely, yet alone have the right to vote.

Nevertheless, I am not even concerned today about the 1980s. I am concerned about where we are today. In 1993, we began the fight to try to balance the budget. In 1997, I along with Senator DOMENICI and some folks from the White House, Erskine Bowles, John Hilley, who I give great credit to, put together a program that called for a balanced budget by 2002. I do not think we can take credit for all of the good economic news that we have today by a long shot, but I think it is clear that we contributed to the good economic news, contributed to lower interest rates in America, which has moved us far ahead of the curve to the point today where we have a unique opportunity to use the good news of budget surpluses in a way that can leverage everybody's futures, particularly those who are baby-boomers and baby-boomers' children.

□ 1115

What is the debate about today? I stayed pretty much out of this debate because it is he said, she said, more Washington talk, more reasons for people to pay attention to the movie actors that want to hold public office because they are so sick and tired of listening to us squawking and campaigning back and forth.

But I think the time has come, in light of the fact that the President is going to meet with congressional leadership today, to talk about what the debate is all about. It is really, frankly, pretty simple.

The question is, at the end of this fiscal year when we look back, will the Republicans have done something that has not been done before in my lifetime; and that is, not to take money out of the Social Security surplus. We are committed not to do that. We are committed to say that we will preserve all of the money being collected from Social Security.

Now, some people argue that that is really good for our senior citizens. Well, it is, rhetorically speaking. But our senior citizens are going to get their money. The beauty of the surplus in Social Security is it, number one, not only allows us to pay down some of the national debt, which we are doing aggressively, but it also gives us the opportunity to be in a position of where we can take these surpluses and use it to transform Social Security for three generations.

If we take the Social Security surplus and spend it on additional programs, we are putting the baby boomers and their children in a deep hole. In order to save Social Security and to transform it for three generations, we are going to need a lot of dollars.

Frankly, I have got a program that would save Social Security, but it would involve being able to take advantage of the huge surplus we have today for purposes of being able to set Americans free to control more of the Social Security taxes they pay.

Now, what does the President want to do? Well, the President, first of all, wants to raise some taxes. I have got to tell my colleagues the revenues in America are going to go up by 50 percent over the next 10 years. We do not need tax increases. Frankly, we need tax cuts, because conservatives believe we ought to run America from the bottom up, that the more money one has in one's pocket, the more power one has.

Let me just suggest for a second that we should not be raising taxes. I, hopefully, will come to the floor in a special order and talk about that. The issue is whether we will allow the President or people who like to spend in this town to take money out of the Social Security surplus. We are committed as a party to not doing it.

The proof will be in the pudding. If our appropriation bills move us into Social Security, we are going to cut them all across the board to keep us out of Social Security.

Why do we want to do this? We want to do this because, number one, we want to pay down debt. Number two, we want to save Social Security for three generations. Thirdly, we want to change our spending habits. We want to clean up the waste and the duplication and the institutional paralysis that has set into this city.

So as we go through this debate, my colleagues should keep their eye on the ball. The eye on the ball will mean this: Did the Republicans keep their word to keep us out of Social Security? Will the President constantly push us to try to raid that Social Security fund. We ought not to raid it. It is not right for seniors today, and it is particularly not right for the baby boomers and their children tomorrow. We need to ensure a healthier and more stable economy for the United States.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I listened with interest to the presentation of the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on Budget. I tend to agree with him, as the gentleman from Wisconsin (Mr. OBEY) said earlier, that the who struck John and back and forth is really not of much interest to the American public.

But the budgets that people submit are of interest because they presumably do suggest policy. The chairman of the Committee on Budget historically has offered budgets, also when it was Democrats in charge and so that budget would not have been adopted, which suggested spending either all in the sense that we exceeded the Social Security surplus or most of the Social Security surplus in his own budgets submitted to the committee and/or the House.

It is not, I think, very useful as the gentleman from Wisconsin (Mr. OBEY) pointed out, to pretend that, to date, we have not passed bills which, if ultimately enacted, would not spend Social Security revenues. They would in the sense that we would exceed the off Social Security surpluses in our total spending proposals.

What we are here today to do is pass a continuing resolution. We are here today to pass a continuing resolution which will give us one more week to try to complete our job. I want to say to my friends on the other side of the aisle who now talk about going down to the White House, I am pleased they are doing that.

But their leader about whom we have read so much recently said that, in effect, they were going to pass appropriation bills, hold the Labor, Health bill, and negotiate with the President with him on his knees.

I do not think the American public are interested in that kind of political discourse. I think they expect honest discussions between the White House and the Congress. I think they expect and deserve an honest treatment of this budget process, not threats, not pretense, not emergency funding which, as was pointed out by the gentleman from Wisconsin, is now in the neighborhood of $20 billion plus.

As my friend, the chairman of the committee, who in my opinion is supporting this policy, but is not the author of this policy, knows full well, it will have deep and drastic and adverse consequences next year.

So in the name of responsibility, we are creating a major problem in the next year. Everybody on the Committee on Appropriations knows that. Everybody who knows anything about the budget knows that to be the case.

The fact of the matter is Social Security is in better shape now because of, frankly, the 1990 budget agreement, the 1993 budget agreement, and, yes, the 1997 agreement.

But let me say something about the 1997 agreement that has become the Holy Grail. The premise was we would still be in deficit today of the 1997 agreement. We were wrong. Happily, we were wrong. We have done much better than we thought we were going to do. We are in surplus, not in deficit.

So the premise underlying the 1997 agreement is not presently applicable. That does not mean, therefore, that we ought to prolifically spend. We ought not to.

But in fact, the President of the United States in February came to this House and said we are going to be paying down a substantial portion of our surplus on the national debt, the first time it has been done.

Ronald Reagan and George Bush asked us to spend more money than we spent in those 12 years. The gentleman from Wisconsin (Mr. OBEY) said that. I reiterate it. No one on the floor denies it because it is the fact.

So that in terms of all this fiscal discipline that we hear about from our friends on the Republican side of the aisle, that may be, but their Presidents, Mr. Reagan and Mr. Bush, whom I supported in many of their policies, in particular their build up of defense, which I thought was appropriate, signed every nickel that was spent. We never overwrote a veto to spend more money. Never. Never.

The gentlemen on the Republican side say, well, the President will not let us do this, so the President is doing this, that, and the other because he vetoes it. Yes, that it is true. The President has a lot of power. Ronald Reagan signed every nickel that was spent and put us $4 trillion in additional debt. Were we responsible? Yes, we were. But, clearly, it could not have been done without Reagan's and Bush's signatures.

In 1990, we adopted a program. In 1993, without any Republican help, we adopted another program. As a direct and proximate result, we have a surplus. Let us deal with it responsibly.

I am going to vote for this CR to give us another 8 days. But let us go down and discuss with the President positively and productively, not in a way that tries to bring the President or the Congress to its knees. The American public does not want us there. They do not deserve to have us there.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. DREIER) has 19½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 10½ minutes remaining.

Mr. DREIER. Mr. Speaker, I am very happy to yield 1 minute to the very distinguished and hardworking gentleman from Scottsdale, Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for yielding me this time.

Mr. Speaker, I listened with great interest to the gentleman from Maryland (Mr. HOYER). I am so glad he abstained from the who struck John argument of historical revision. Mr. Speaker, the question before us today is, not who is going to drive whom to their knees. The question before us today is this: Are we going to continue to cut the American people off at their knees in terms of asking for more and more of their money, in terms of going back to these old habits of spending, saying that the 1997 agreement was predicated on the notion that surpluses would not be as plentiful so now all bets are off?

I listened with interest to the gentleman from Wisconsin (Mr. OBEY) whom I have a great deal of respect, and while he bemoaned the quality of congressional debate, I must tell him and my colleagues, Mr. Speaker, that the question I hear from my constituents has to do with the sanctity and safety of Social Security.

We have made history. As the Congressional Budget Office pointed out, for the first time since 1960, this Congress was able to generate a surplus and not use a dime of the Social Security surplus. Let us continue that. Support the rule. Support the continuing resolution. Let us work together.

Mr. MOAKLEY. Mr. Speaker, I yield 4½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I sincerely believe that we could yield all of the time available to Democrats this morning to our Republican colleagues, and they could talk all day long and not convince the American people that this is anything other than the most do little, do nothing Congress since Harry Truman's day. In the words of one distinguished congressional historian, this Congress has a ''rendezvous with obscurity.''

This Congress has wasted its time. It has wasted the time and the hopes of the American people. It has not done its work. There are many examples that can be cited of that, but let me give my colleagues just two.

There is one piece of legislation that this body must consider every year, and that piece of legislation provides the Federal funds to assure that our children have an opportunity to participate in the Head Start program. It provides the funding for the United States Department of Education.

True, until recent months, the Republican majority in this House had as a top objective to abolish the Department of Education and the Federal commitment to education. But now, hopefully, they support it. I suppose that they support the educational technology funding in that bill, the funding for student financial assistance to give our young people who are willing to work to get a college education the opportunity to get that education. All of the funding for special education is continued in this measure.

It is this same bill that provides the Meals on Wheels program and other assistance to our seniors, that funds the National Institutes of Health, which conducts vital research that we are hearing from so many people across the country that they want to see upgraded with reference to cancer, with Parkinson's disease, with diabetes, with neurological disorders.

It is this same bill that funds the Children's Health Insurance Initiative that is so important to reach the millions of our youngest citizens who do not have any health insurance. Of course, this bill also provides the funding for the Centers for Disease Control and Prevention.

This piece of legislation is a very interesting piece of legislation because it is not really caught up in the conflict between the President and the Republican leadership. The President does not schedule bills in this House. The President does not have a vote in this House. We find ourselves today with the fiscal year having ended, having another 3 weeks, and this Republican leadership, which is so boastful and so proud of their successes this morning, has not brought the bill that does all these things to the floor.

It has never even given the House of Representatives an opportunity to consider and debate the bill that deals with all of these vital national issues. It has no one, absolutely no one but itself to blame for having failed to provide us an opportunity to consider this bill.

Let me add that, though they are here asking for yet another week to address this issue, they still have not even scheduled consideration of this important bill. That is not the fault of the President of the United States. It is certainly not the fault of the Democratic minority that stands here ready to consider this issue. It is quite clearly the sole responsibility of the Republican leadership that chose, on education, on health care, to never even bring to the floor of the House this piece of legislation.

□ 1130

They had a whole year to do it. They had an additional 3 weeks to do it. And here we are near Halloween, and we have yet to have either trick or treat. We have no bill even scheduled to address that issue.

Let me give example number two. Some of us feel that a key to the economic success of this country has been technology, and that the research and development tax credit is helping provide opportunity for America to have more research, more emphasis on technology in this country and thereby more good jobs.

I was across the hall here a few weeks ago in the Ways and Means Committee considering the extension of that research and development credit. Of course, we Democrats had already offered to the House a fully-paid, not robbing grandmother's and grandfather's Social Security, but a fully-paid research and development tax credit on a permanent basis. And yet here we find ourselves months after that credit expired and the Republicans, once again, have failed to present it to the House. They have failed to present that research and development tax credit to the House.

The only gap in the availability of this important credit in its history was during this Republican leadership, back in 1996. Yet we find ourselves today with even a Republican lobbyist saying in today's paper that they think that credit is ''in serious jeopardy.'' Once again, like the funding for education and health, Republicans do not even have the measure to extend the research and development tax credit on the schedule of this House.

If this continuing resolution is only going to continue the same kind of inaction that the Republicans have given us for the last 3 weeks and for the last few years, we are going to find ourselves right back here in another week debating the same thing.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to tell my friend, as he and my Democratic colleagues know very well, the R&D tax credit was in the bill the President vetoed, and the President requested $34.7 billion for education, the Labor-HHS bill has $35 billion for education.

Mr. Speaker, I yield 3 minutes to the gentleman from Savannah, Georgia (Mr. KINGSTON), the leader of the theme team.

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

I am also confused by the comments of the previous speaker. The bill to which he is referring to that funds Head Start and so many valuable education programs is included in this continuing resolution, which we will be voting on today. And I certainly hope, in the name of the children and those programs, he plans to vote in the affirmative.

I am further confused when he talks about no achievements by this Congress. We passed the lockbox, and because of the lockbox, which says we will not spend Social Security funds for anything but Social Security. For the first time in history this Congress, or at least first time in recent history, this Congress, and this chart shows it, has not spent any Social Security funds on anything but Social Security.

Now, in contrast, the President of the United States said in January let us make Social Security the number one priority and has yet to introduce a

bill. So I would ask my Democrat friends where their bill is. I know there is a lot of lockstep going on over there with the White House, but where is their bill? If they are concerned about Social Security, where is their bill?

The Educational Flexibility Act, giving teachers in the classrooms more control and bureaucrats in Washington less control, we passed that. That probably was offensive to many of these Democrats. Missile defense system, protecting the United States of America, passed by this House. Probably nothing big to Democrats. A 4.8 percent pay raise for our military people, trying to close the 13 percent pay gap, which has done nothing but grow under the current anti-military administration. No problem, because these folks do not like that kind of thing.

What I also do not understand is why the Democrats want to give the executive branch so much more power over the legislative branch. I can see maybe for partisan reasons why they have to go with the President sometimes, but they go with the President every time. They need to stand up. They represent districts, not the White House. I think they should go back to their districts, and if people say do whatever the President says, then they should keep acting the way they are. But I suspect that the folks in my Democrat friends' districts, just like mine, do not send me to Washington to be a one-party water carrier. They want us to do what is best for them and what is best for the United States. But here my friends go really abdicating their power as legislators and giving it willingly to the executive branch in the name of party politics.

We made a budget agreement in 1997. Now, an agreement, by definition, has to have two parties. And we all popped corks, drank champagne, hugged each other, Democrat and Republican, brotherly love and all that over at the White House, and said we have a budget agreement. And I will say this, the gentleman from Wisconsin did not vote for that agreement, neither did I, but the majority of Democrats, the majority of Republicans did, and the White House signed off on it. Why is it now only up to the Republicans to carry on this agreement? Why can the Democrats not live up to what they said they were going to do in 1997? Why are we having this dialogue? Why are we having this fight?

Let us get over Ronald Reagan and George Bush. Guilty as charged. The deficit went up. And as the gentleman from Maryland (Mr. HOYER) said, it is the responsibility of the Democrat Congress. But let us do what we can today for 1999 and the year 2000. Let us balance the budget and not do it out of Social Security.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Louisville, Kentucky (Mrs. NORTHUP), a very, very distinguished colleague and a hard working member of the Committee on Appropriations.

Mrs. NORTHUP. Mr. Speaker, I appreciate the opportunity to join in this debate. I had not really intended to do it until I looked at the monitor in my office and heard the claim that we all know that every single penny of Social Security that has been spent is backed up by a treasury bond. I had to come over and say that that would matter. That would be important if there was an asset to back up those IOUs that we have put into Social Security.

The truth is, there are no assets to back up the Social Security IOUs of $1 billion that we are going to get to in the year 2000. The fact is that we have no intention of ever selling off one of our schools, selling off one of our locks and dams, selling off any of the assets to cash in those bonds. The fact is that there are no assets to back them up.

This would be just like me, the mother of six children, taking my children's college tuition and putting in an IOU in their college fund and going out and buying new clothes and saying that I am leaving them with an IOU. For what? I cannot sell off my clothes to pay off their tuition someday. And that is what we have done in Social Security. We have put in an IOU and we have spent it on programs, one program after another, all of which, when the money disappears, there is no way of recapturing it. There is no asset we can hold on to and that we can hand back to our kids in the year 2010 when we start needing to spend more than we are taking in.

Instead, we are going to have to look at my six children and all of the rest of our children and tell them that we need them to pay more taxes this year and more the next year and more. And we are going to expect them not only to pay all that Social Security money back, we are going to expect them to keep all the new programs that we have started going too, not just the programs we have now, but any one of the new 40, 60, 80 programs that this administration and our Democratic colleagues have asked us to fund.

So we are asking our kids to do two things: fill up the Social Security bank that we have raided and keep all these programs that we started going with tax dollars they do not have.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP) to make at least one more salient, important point.

Mrs. NORTHUP. Mr. Speaker, I am sorry, I thought we were running out of time here; but I would like an opportunity to also talk as a member of the Committee on Appropriations and what it is like to be on appropriations this year and move bills through.

From the very first day of this year when we started talking about 302(b) allocations, that is the amount that we are allowed to spend, we had our Democratic colleagues saying, Oh, come on, you know we're going to spend more than this. Oh, come on, you know we can't stay within these caps. Oh, you know we're going to spend more. It was like constant taunting every single day. Yet we quietly passed the bills as best we could.

But one of the previous speakers is correct, we have a very narrow margin, and it means that we are constantly building a consensus on this side of the aisle. And every day it was no help. It was sort of like someone might treat an alcoholic that is reformed by saying, Come on, have a drink. Have a drink. You know you're going to have a drink sooner or later. Why have this pain for 6 months and then finally give in; let us go on and lift these budget caps now. But we have worked as hard as we can and as straightforward as we can.

I want to say the other thing that I heard every step of the way, which is could we please have one more day before we bring things to the floor. One member of Appropriations after another has walked up here and suggested that we should be more family friendly and that we should finish at 6 o'clock so that everybody can go home. We have had one Member after another saying why are we staying over till Friday when we could do this next week when we come back; people complaining because we are here on Mondays in these debates and trying to pass these bills.

So every day, every day for 6 months, it has been let us put it off until next week; could we have more time for amendments. And to now come in and criticize that we have not finished all these bills already, when we have to depend on 218 votes out of our very slim majority, is very difficult. So I want to congratulate our chairman of the Committee on Appropriations, who, with a very calm demeanor and a confidence that if good people of good will put their heads together, they can find a good solution, hung in there and got us this close to the finish.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Langley, Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, our Nation is currently involved in a rather new debate over protection of the Social Security surpluses, a debate that Republicans initiated at the beginning of this Congress.

Secondly, for the past 30 years, Congress and the President have been using surpluses from the Social Security Trust Fund to mask the deficit in the overall Federal budget. All but 4 of these years the Democrats controlled the Congress.

Third, it is the Republicans who have proposed and passed overwhelmingly in the House the Social Security lockbox, which Democrats in the Senate are filibustering.

Fourth, Democrats are using fancy accounting in their own accusations. They add up everything that the House and Senate have passed this year rather than everything that has been enacted this year.

My Democrat friends know that not a penny can be spent until it is enacted, and that requires approval of

both Houses of Congress and the President. As is usual in the budget process, there are many demands on the limited amount of Federal dollars which the legislative process sifts through, setting priorities and spending no more than is allowable under the law.

At the end of the day, the Congress will pass all appropriations bills without dipping into the Social Security surplus.

□ 1145

Mr. MOAKLEY. Mr. Speaker, will you kindly inform both myself and my chairman how much time is remaining.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Massachusetts (Mr. MOAKLEY) has 6 minutes remaining, and the gentleman from California (Mr. DREIER) has 10 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY) the ranking member of the Committee on Appropriations.

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

Mr. Speaker, I would like to just make three points in closing.

First of all, we continue to hear the fiction that our good friends on the majority side of the aisle have not yet ''invaded'' the Social Security Trust Fund.

The Congressional Budget Office, as my colleagues know, is the agency that is charged with the responsibility to keep them honest and to keep us honest, on both sides of the aisle. They are supposed to estimate what our actions have cost. If we take a look at their web site and if we print it out, this information will appear on page 13. If we take a look at their web site entitled ''Congressional Budget Office's Current Status of Discretionary Appropriations,'' we will see about two-thirds the way down the page under the title Addendum that, without the gimmicks of directed scoring, which hide at least $12 billion, that we have current status of spending totaling $606.6 billion for appropriation bills. That does not include any of the increases that the conference has put into the Labor, Health, Education bill.

That compares to the $592 billion, which is the amount that the Congress can spend without touching the Social Security surplus. That means, in plain English and in plain mathematics, that counting what they have done with the earned income tax credit, they have in their terms ''invaded'' the Social Security surplus to the tune of $14 billion. And if they eliminate the earned income tax credit action, which their side says it intends to do, then they have invaded it to the tune of $23 billion.

Now, that is a fact; and all the hops, skips, and jumps that they perform cannot hide that fact.

Second, I would simply respond to the previous speaker, who said that the reason that the House is in such a mess on our budget issues is because they only have a few votes above 218 so they have such a narrow margin that it is understandable that they have had to struggle.

I would point out that there are 435 votes to be had in this House, not 218. The gentleman from Florida (Chairman YOUNG) correctly recognized that. And that is why on the supplemental which he first brought to the committee and on the first four appropriations bills which he first brought to the committee, we had bipartisan agreements on those bills and those bills were not just going to receive 218 votes, they were going to receive at least 300 votes because a lot of us were going to vote for them.

But then what happened is the process got hijacked. It got hijacked by their majority whip, who decided that they were not being confrontational enough. And it got hijacked by the confrontational element in their caucus personified by, among others, the gentleman from Oklahoma. And when all was said and done, they took five bills in a row which started out to be partisan and turned them into partisan vehicles which we can no longer support because they unilaterally made changes in those bills, and they disregarded the President's priorities in the process.

In my view, when this is all said and done, there is only one way this is going to be worked out. That is that, in the end, they are going to have to sit down with us and with the White House, they are going to have to give respectful attention to the President's priorities, and we are going to have to give respectful attention to their priorities. That is the only way in the end that adults settle their differences.

So what I would suggest we do is pass this continuing resolution, quit the prattle and get on with the process of actually working out those differences.

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

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I rise, obviously, in strong support of this rule; and I am here to say that we, in fact, are meeting our constitutional obligations.

In my opening statement, I talked about the fact that we are ahead of schedule. We are ahead of schedule because, if we look at the number of years that we have had to go well into Christmas before we had settled the appropriations bills, there are numerous times when we have had to do that.

We are looking today at a one-week extension going to the 29th of October. The chairman of the Committee on Appropriations (Mr. YOUNG) has worked long and hard, and we are trying to have a bipartisan consensus here. We vetted this continuing resolution with our friends in the other body, with the White House. So we are simply proceeding with what is the proper constitutional role for dealing with our important work of completing these 13 bills.

So I urge my colleagues to support it. We have a chance to make history here by making sure that we do not go into the Social Security Trust Fund. We are working very hard to ensure that that does not happen, that we do not go into the Social Security Trust Fund.

I hope my colleagues will first support this rule and then support the continuing resolution so that we can get this work down.

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.

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 334, I call up the joint resolution (H.J. Res. 71) making further continuing appropriations for the fiscal year 2000, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 71 is as follows:

H.J. RES. 71

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 106(c) of Public Law 106–62 is amended by striking ''October 21, 1999'' and inserting in lieu thereof ''October 29, 1999''. Notwithstanding section 106 of Public Law 106–62, funds shall be available and obligations for mandatory payments due on or about November 1, 1999, may continue to be made.

The SPEAKER pro tempore. Pursuant to House Resolution 334, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.J. Res. 71.

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

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume in support of H.J. Res. 71.

Mr. Speaker, this is a clean continuing resolution that would extend the present CR until October 29. In addition, it includes a provision so that affected Government agencies would have the authority to develop, prepare, and make the November monthly payments for mandatory programs such as Social Security and veterans' pensions.

This is necessary because this CR extension will expire near the end of the month and financial managers will not be able to begin their payment process without the assurance that the funds will be available to make the payments.

That is the CR, pure and simple, Mr. Speaker. We need the additional time. We have several vetoes from the President that we are dealing with. The balance of the appropriations bills that have not been on the President's desk will be there very shortly.

Mr. Speaker, since we have made all of our political speeches during the consideration of the rule, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in favor of this continuing resolution in order to keep the Government open. But I am also here to remark on the sorry state of affairs that this Congress finds itself in.

We have a Republican majority unable to get its work done resorting to accounting gimmicks to cover their tracks and to hide the fact that they have already dipped into Social Security. And they would like to cover that up.

The facts would seem undeniable. The Republicans' own Congressional Budget Office has already confirmed that the majority has spent up to $13 billion of the Social Security Trust Fund this year. A more recent estimation puts the raid on Social Security at $24 billion. But Republicans deny these facts and instead have embarked on a cynical strategy to pretend that their goal is to protect Social Security.

It will not work because the American people are smart and they can spot a political ploy a mile away. They know that asking the Republican majority to safeguard Social Security is like asking the fox to watch the hen house.

Yesterday it was the majority leader who led Republicans in that mantra to protect Social Security, the very same majority leader who in 1984 called Social Security ''a bad retirement'' and a ''rotten trick'' on the American people, the same majority leader who once said ''I think we are going to have to bite the bullet on Social Security and phase it out over a period of time.''

Well, one might say that that was 15 years ago and maybe he has changed his mind on Social Security. Give the guy a break.

Okay, let us fast forward to 1994 when the majority leader said this about Social Security: ''I would never have created Social Security.''

Privatizing Social Security has been a long-held goal of the majority leader and other Republican leaders. Now they want the American people to believe that this budget impasse is because they want to save Social Security.

This budget impasse has nothing to do with Social Security. This budget impasse has to do with the Republican majority's true goal, to pass a massive tax cut that goes directly and primarily to the wealthiest Americans. That is why we cannot meet our obligations to our children, our parents, our teachers, our veterans, because Republicans have other plans for that money, a tax cut to bring comfort to the comfortable.

After all, there are people out there who need to remodel their yachts. There are corporate CEOs who just cannot eke by on their $10 million a year in salaries. That is who the Republican tax cut and budget would help. And to use senior citizens and Social Security as a smoke screen is shameful.

A few months ago, a bipartisan majority in this House voted to lock up the Social Security Trust Fund. Now this Republican majority has picked the lock on the lockbox.

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

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, what is important is not what happened yesterday, it is what should happen today and tomorrow. But before I get to that, I just want to address one comment made by my good friend, the gentleman from Florida (Mr. YOUNG), in comparing who has done what in achieving previous completion on budget action.

The gentleman from Florida (Mr. YOUNG) has pointed with great pride to what happened in fiscal year 1997 as proof that in those days the Republican majority finished all of its bills on time. That is, in fact, the reverse of what happened.

What happened in 1997 is that they had a huge train wreck early and the damage was so bad that they simply gave up trying to legislate normally.

If we read the Congressional Quarterly account of what happened that year, I assume people think that is a neutral account, we will see in the 1996 almanac on page 10–21 that Congressional Quarterly indicates that ''When Republicans returned from their August break after Labor Day, it was far from clear how or whether they could get their spending bills enacted by the start of the fiscal year.

□ 1200

''At that point only one fiscal 1997 spending bill, for agriculture, had become law. GOP troubles extended beyond deep disagreements with Clinton. For one thing, Republicans had difficulty among themselves settling on a game plan.''

It goes on to discuss what happened, and what happened was very simply this: Five appropriation bills never went to conference. Those five bills wound up being wrapped into one overall omnibus appropriation, the base bill of which was the defense bill. What happened is the Republican majority, in the words of CQ, was so anxious to get home for reelection that they simply wrapped it all up in a one big huge package and went home.

To call that a model of orderly process is indeed turning reality on its head. I just wanted to bring that to the attention of the House.

We have a problem here. I think that problem is rooted in two factors. Number one, we have had the Republican majority fashion most of their appropriation bills in such a way that it would allow them to pretend this year that they had room for a giant tax cut, and they went home in August and found out that the public understood that that in fact was not the case, the public had other priorities, such as education, fixing Social Security and fixing Medicare. Yet what has happened is because this House spent so much time trying to pass that tax bill, we have appropriation bills that still have not become law.

Secondly, we are operating under a budget agreement in 1997 that in my view was the largest public fib in the history of this Congress, going back to 1981 when we had another very large public fib on budgeting. The problem is that 1997 deal promised that this Congress was going to make reductions in spending that it in fact has never been willing to make under the Republican Party or the Democratic Party. And as a result what has happened is that today we are struggling under a massive fiction. That massive fiction is that we have spent about $40 billion less than we have actually spent in the appropriation bills. And so now, in a desperate effort to cover up that fact, the House leadership is trying to divert attention to a phony Social Security debate that does not in fact exist in the real world.

In my view we have two choices: We can continue to pass continuing resolutions once a week that are monuments to our own impotence, or we can simply get down to business and decide we are going to toss aside the phoniness and the fiction and get to the reality. The reality is not have we met each other's accounting standards. The reality is not how much political damage can we do to each other. The reality that we ought to be concerned about is what are we doing in an honest fashion to attack the education problems facing this country, to attack the health care needs facing this country, to attack the science research problems facing this country, to defend the country's national interest through both the defense budget, which is the military side of our foreign policy influence, and what we are doing to advance our national interest diplomatically through the other parts of our foreign policy effort.

The sooner we come to honest agreements about that, the sooner we can all quit this sterile debate and get on with the business of being legislators rather than politicians. That is what I would respectfully hope that we do.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

During the consideration of the rule, the House heard a lot of political rhetoric, some of which was fairly accurate, some of which had no accuracy whatsoever. But I am not here today to fight a political battle. That is for the campaign trail. I am here today to do the people's business. They want their business done. That is what we are doing. We are moving appropriations bills through this process. It is not easy. This is the smallest majority that any majority party has had in the House for nearly 50 years. So of course it has not been easy, especially when the President is of a different party than the majority in the House.

But this is not the place to fight out those battles. Today we extend the continuing resolution until the 29th of October, so that the government can continue to function and that the people who work for the government can continue to get paid, and the obligations that our government has continue to be met. We can do our campaigning at another time, at another place. We were not sent to do our campaigning in this chamber. We were sent to do the people's business.

And so I would ask for support of this continuing resolution so that we can have those meetings with the President, so that we can have those conference reports sent to the President's desk, so that we can get the President's vetoes and that we can deal with the vetoes and try to reach an accommodation with the President, because he plays a constitutional role in this issue, although somewhat belatedly. I recall having asked him back in April if he would be willing to get engaged in this budget process and received no answer to this day. But, anyway, I would hope that the House will approve the CR so that we can get on with the balance of the people's business.

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

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

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

Pursuant to House Resolution 334, the previous question is ordered.

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

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 11, as follows:

[Roll No. 510]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
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Jackson (IL)
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Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
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Kanjorski
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Kelly
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Kind (WI)
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McKeon
McKinney
McNulty
Meehan
Meek (FL)
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Menendez
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Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
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Mollohan
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Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
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Roybal-Allard
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Ryan (WI)
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Thompson (CA)
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Udall (NM)
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Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

DeFazio
Paul

NOT VOTING—11

Buyer
Camp
Green (TX)
Jefferson
Johnson (CT)
LaFalce
Lewis (GA)
Martinez
Ros-Lehtinen
Rush
Scarborough

□ 1242

So the joint resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any rollcall vote on H.R. 3885, providing discretionary spending offsets for fiscal year 2000, will be taken after debate has been concluded on that motion.

Rollcall votes on any other motions will be postponed until after debate has been concluded on those motions.

## CONGRATULATING HENRY ''HANK'' AARON ON 25TH ANNIVERSARY OF BREAKING MAJOR LEAGUE BASEBALL HOME RUN RECORD AND RECOGNIZING HIM AS ONE OF THE GREATEST BASEBALL PLAYERS OF ALL TIME

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 279) congratulating Henry ''Hank'' Aaron on the 25th anniversary of breaking the Major League Baseball career home run record established by Babe Ruth and recognizing him as one of the greatest baseball players of all time, as amended.

The Clerk read as follows:

H. RES. 279

Whereas Henry ''Hank'' Aaron hit a historic home run in 1974 to become the all-time Major League Baseball home run leader;

Whereas Henry ''Hank'' Aaron over the course of his career created a lasting legacy in the game of baseball and continues to contribute to society through his Chasing the Dream Foundation;

Whereas Henry ''Hank'' Aaron hit more than 40 home runs in 8 different seasons;

Whereas Henry ''Hank'' Aaron appeared in 24 All-Star games;

Whereas Henry ''Hank'' Aaron was elected to the National Baseball Hall of Fame in his first year of eligibility, receiving one of the highest vote totals (406 votes) in the history of National Baseball Hall of Fame voting;

Whereas Henry ''Hank'' Aaron was inducted into the National Baseball Hall of Fame on August 1, 1982;

Whereas Henry ''Hank'' Aaron finished his career in 1976 with 755 home runs, a lifetime batting average of .305, and 2,297 runs batted in;

Whereas Henry ''Hank'' Aaron taught us to follow our dreams;

Whereas Henry ''Hank'' Aaron continues to serve the community through his various commitments to charities and as Senior Vice President and Assistant to the President of the Atlanta Braves;

Whereas Henry ''Hank'' Aaron became one of the first African-Americans in Major League Baseball upper management, as Atlanta's vice president of player development; and

Whereas Henry ''Hank'' Aaron is one of the greatest baseball players: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates Henry ''Hank'' Aaron on his great achievements in baseball and recognizes Henry ''Hank'' Aaron as one of the greatest professional baseball players of all time; and

(2) commends Henry ''Hank'' Aaron for his commitment to young people, earning him a permanent place in both sports history and American society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 279.

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

There was no objection.

Mr. OSE. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia (Mr. CHAMBLISS) control the time.

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

There was no objection.

□ 1245

Mr. CHAMBLISS. Mr. Speaker, we are indeed privileged to be here today to honor and recognize a true American hero, and as we start this debate I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I am honored today to join my Georgia colleagues but really join all of this Congress in paying tribute to Henry Aaron. Hank Aaron is no mystery to anybody in this room. He broke Babe Ruth's record and 25 years ago today hit his 715th home run. He was a distinguished player in the Southern League, throughout the South, then to Milwaukee and finally to Atlanta.

He is known for his home runs, but there is so much more. Hank Aaron was a leader who played with determination, whether the team was good or the team was bad. In this day, in this era of high-paid athletes and prima donnas and egos, Hank Aaron always had the level temperament. He was a man of distinction, and probably his greatest distinction was the year in which he caught and surpassed the Babe, because he dealt with threats, he dealt with discrimination, he dealt with those that would undermine his effort; but he diligently and quietly and professionally, day in and day out, pursued and finally caught the Babe.

Hank Aaron broke a lot of records in baseball. He may have broken a few hearts of teams that lost to him, but to all of us in Atlanta and in Georgia and around America we are proud that Hank Aaron came our way. He is a distinguished American. He is a distinguished Georgian, and all of us in Georgia today are pleased to honor the man we know as ''Hammering Hank.''

Mr. CUMMINGS. Mr. Speaker, it is with great honor that I yield 5 minutes to the distinguished gentleman from Georgia (Mr. BISHOP) to make his presentation.

Mr. BISHOP. Mr. Speaker, I thank the gentleman for Maryland (Mr. CUMMINGS) for yielding this time.

Mr. Speaker, Shakespeare wrote, ''Heights by great men reached and kept were not obtained by sudden flight but they while their companions slept were toiling onward through the night.''

It was no sudden flight for Henry Aaron, from an area called Down the Bay in Mobile, Alabama, to an area called Toulminville, out near Carver Park and Edward Street, where he began his baseball career playing for a Toulminville Little League team; and as he demonstrated his prowess with a bat and with a glove, he achieved great heights over great pain, but there was much gain.

It is my pleasure, Mr. Speaker, to join my colleagues today in celebrating the 25th anniversary of Hank Aaron's 715th home run, the blast that set the all-time career record. That was a great day not only for Hank Aaron and the Atlanta Braves but for the millions of fans in Georgia and throughout the country. It was just one of many shining moments in a lifetime of truly extraordinary accomplishments.

In addition to hitting more home runs than anyone else, Hank Aaron had more runs batted in, more total bases, amassed a career batting average over 300, won three Golden Glove Awards as one of baseball's finest fielders, and earned a place in the Hall of Fame long before he retired from the game.

Hank Aaron, as I said, was born and grew up in Mobile, Alabama, as I did. Needless to say, he was a hero to me and all of the kids in our neighborhood there in Toulminville.

In recent years, now that we are both well-entrenched citizens of Georgia, I have learned from a fairly close vantage point about how much he has contributed to the State and the country, through his Chasing the Dream Foundation, and all his charitable and community activities.

Over the years, I have come to appreciate all the more the characteristics that he has always exemplified; his unwavering commitment and dedication not only to the game of baseball but to the well-being of his fellow citizens as well, his grace and his humility under fire, his kindness and service of others, of outstanding leadership that he provides through example.

Mickey Mantle once said that Hank Aaron was the most underrated superstar in baseball. Certainly, he was highly respected by everyone, but he was such a total player that sometimes people did not fully appreciate what he meant to his team. That is the kind of baseball player he was, and that is the kind of human being he has been as an executive officer with the Atlanta Braves, as a citizen of Georgia, as a leader in his community and his State and his Nation.

Thank you, Hank, for the inspiration that you have given to me and to millions of Americans. Yes, ''heights by great men reached and kept were not attained by sudden flight but they while their companions slept were toiling onward through the night.'' Thank you, Hank. Keep on toiling.

Mr. CUMMINGS. Mr. Speaker, it is with great honor that I yield 3 minutes to the gentleman from Wisconsin (Mr. BARRETT), another one of our colleagues from the Fifth District.

Mr. BARRETT of Wisconsin. Mr. Speaker, it is a real honor and pleasure for me to rise today to pay tribute to one of my heroes, Hank Aaron. I think anybody who is a baseball fan in this

country knows what a tremendous person Hank Aaron is and everything he did for the game.

For me, it is even more than that. It is a little difficult for me to talk here about Hank Aaron while the Braves are still alive in the playoffs because I am very careful to separate my emotions about the Braves from my emotions about Hank Aaron. The reason for that is I used to love the Braves. In fact, as an 11-year-old boy I went to 31 Braves games. Of course, they were the Milwaukee Braves then, and they were, for me, the team of my life. They broke my heart and they broke the hearts of thousands of other Wisconsin kids only to make thousands of Georgia kids happy several years later; but if one is an 11- or 12-year-old kid and their baseball team pulls up roots and heads out of town, that is a pretty devastating event in their life at that time.

I continue to root for Hank Aaron as much as I continue to root against the Braves, and I continue to root for Hank Aaron because he really was, I think for all of us, the ultimate hero. The grace, the way he handled pressure, the way he moved so gracefully through right field made all of us just joyful watching him.

As a young kid playing baseball, he also gave a lot of credibility to those of us who were not good enough fielders to play anywhere but right field. He made right field respectable, and as a right fielder I appreciate what he did for those of us who did not have the speed to play center field.

I am here today because Hank Aaron did so much for this game and so much for this country. I think he has done so much for the kids in this country, because he has given them someone to look up to. Kids need heroes. Kids need good role models. Hank Aaron is a hero, and he is a good role model.

Thank you, Hank, for everything you have done.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Milwaukee, Wisconsin.

Mr. KLECZKA. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. BARRETT) for yielding.

Mr. Speaker, I am somewhat older than my colleague, the gentleman from Wisconsin (Mr. BARRETT), although I attended those games at County State, and I sat in the bleachers. We could recite the entire team from Vel Crandel to Joe Adcock, Billy Bruton, and naturally Hank Aaron. I was disturbed like the gentleman was when the team sort of left one evening and ended up in another State, but nevertheless the background and the things that Hank Aaron stood for are still alive in all the hearts of those who watched those games from not only Milwaukee but Wisconsin.

In my office here in Rayburn I have a ball that is signed by Hank Aaron that he gave to me a couple of years ago at one of our bratwurst days or hot dog days or whatever it was. So, Hank, thanks for all the memories.

Mr. CHAMBLISS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), who has a very interesting experience to relate about Mr. Aaron.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Georgia (Mr. CHAMBLISS) for yielding me this time.

Mr. Speaker, on April 4, 1974, Hank Aaron made history at River Front Stadium in Cincinnati by hitting home run number 714 off Reds pitcher Jack Billingham to tie Babe Ruth's all-time home run record.

It was opening day and it was Hank Aaron's first swing of the 1974 season. The Cincinnati Enquirer described it, and I quote, ''as a towering shot over the left-field wall.''

Well, I can confirm that because I was sitting out in left field on April 4, 1974, at the Reds' traditional opener for all of major league baseball, and it was the only time I had ever cheered when somebody hit a home run against the Reds. Millions of Americans have felt the same way watching Mark McGwire and Sammy Sosa, and it did not matter which team Hank Aaron played for to be cheered for. He was doing something bigger than baseball itself.

Hank Aaron's achievement reminded Americans that nothing is impossible. It taught us that any individual can do anything if he is willing to make the sacrifices to make it happen.

Mr. Speaker, in a few years they are going to tear down River Front Stadium and build a new ball park on the Ohio River, but Henry Aaron's achievement will stand forever, and I urge my colleagues to support the resolution.

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

Mr. Speaker, as I sat here listening, I could not help but think about how wonderful it is that we from both sides of the aisle stand here today to recognize a great American, and I say that very clearly, a great American.

Hank Aaron has certainly touched the lives of so many, and just listening to the statements that were just made from my friend, the gentleman from Ohio (Mr. BOEHNER) and my friends from Georgia and from Wisconsin, those are only three States. I am sure that Hank Aaron touched the lives of many, many boys and girls, women and men, throughout all 50 States, touched them in some way or another, all being in a very positive way.

The wonderful thing about this resolution is that it acknowledges Hank Aaron for all the things he has done and all of the things he continues to do. Even on his 25th anniversary of breaking the major league baseball career home run record established by Babe Ruth, quiet and unassuming Hank Aaron holds more major league batting records than any other player in history, including most home runs and most runs batted in.

In 1970, Mr. Aaron became the first player to compile both 3,000 career hits and more than 500 home runs. In 1972, Mr. Aaron's salary increased from a lofty $125,000 per season to a hefty $200,000 per season, at the time, unbelievably, making him the highest paid baseball player in baseball history.

He accomplished all of this despite the enormous amount of hate mail received prior to breaking Babe Ruth's record.

If anyone has had an opportunity to listen to Mr. Aaron talk about the pain that he felt during the time that he was trying to break the record, if one could hear him talk about the threats that were made on his life and the threats made on his family's life, one would have to add another very important word to describe him. He is indeed a courageous man, for he went out and he did what he had to do anyway; and while he was doing it, it may have caused him pain, but it surely brought him glory and it surely put an imprint, a positive spirit, in the DNA of every cell of every baseball fan throughout the country.

Today, Mr. Aaron divides his time among many jobs. For Turner Broadcasting, he serves as corporate vice president of community relations and is a member of the Turner Broadcasting board of directors. He serves as senior vice president and assistant to the president of the Atlanta Braves. Mr. Aaron also spends a great deal of time working with young baseball hopefuls from underprivileged Atlanta communities. He often talks about the situation the way it was when he came up, the fact that many opportunities to play baseball were not there; and he has made a tremendous commitment never to forget from whence he has come. He has made a commitment, and he has synchronized his conduct with his conscience by lifting others up as he has gone up the ladder of life.

The Hank Aaron Rookie League, coordinated with the Atlanta Housing Authority, has gotten many youngsters off the street and on to the playing fields.

He has also worked extensively with Big Brothers and Big Sisters organizations throughout our country. Despite all that he has done, Hank Aaron does not classify himself as a role model because of his athletic abilities.

□ 1300

He is quoted as saying,

> Role models are something you have to be careful about. Dr. Martin Luther King, Jr. is a role model. Abraham Lincoln is a role model. A teacher can be a role model. My mother is a role model to my seven brothers and sisters. I played baseball. I just happened to have a gift that I was blessed with. But Hank Aaron the baseball player is not necessarily a role model.

Hank Aaron considers Abraham Lincoln a role model. Little does he know that the House Committee on Government Reform considered this resolution at the same time H.R. 1451 honoring Abraham Lincoln was being considered. Both bills passed out of the committee on a voice vote. The bill

honoring Abraham Lincoln passed the House just 2 weeks ago.

Hank is right. He is not a role model because he was a great baseball player. He is a role model because, in addition to being a great baseball player, he has integrity and courage. He has fought to break color barriers and still, to this day, continues to give back to his community.

As did Abraham Lincoln, Hank Aaron has contributed to the colorful and diverse fabric of this Nation, and he did so when the tide was against him.

So to you, Mr. Aaron, we say, thank you for all that you are and thank you for all that you are not.

I urge all of my colleagues to support H. Res. 279 honoring Hank Aaron, a true legend.

Mr. CHAMBLISS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from New York (Mr. BOEHLERT) who happens to represent Cooperstown, the home of the Hall of Fame.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

Mr. Speaker, I thank Hank for making today necessary. He is one of America's truly great heroes. It is my privilege to represent baseball's mecca, Cooperstown, New York. So in a way, I am a surrogate congressman for Mr. Aaron.

Let me read to my colleagues from the plaque from the baseball shrine, the Hall of Fame, when Mr. Aaron was inducted in 1982. It reads, ''Henry 'Hank' L. Aaron, Milwaukee National League, Atlanta National League, Milwaukee American League, 1954–1976.

''Hit 755 home runs in 25-year career to become majors' all-time homer king. Had 20 or more for 20 consecutive years, at least 30 in 15 seasons and 40 or better eight times. Also set records for games played (3,298), at-bats (12,364), long hits (1,477), total bases (6,856), runs batted in (2,297). Paced National League in batting twice and homers, runs batted in and slugging percentage four times each. Won most valuable player award in National League in 1957.''

Those of us who are baseball fans are statistics freaks. We go for RBIs and batting averages. That is how we judge the man. This man excelled. But he has excelled off the field as well.

Let me read to my colleagues from Hank Aaron's own words: ''I know that most people, when they think of me, think of home runs; or if they really know about the game, think of 755. But what I would like them to remember about me is not the home runs or the hits or the runs batted in, but that I was concerned about the well-being of other people. You have to reach out, and you have to speak out.''

Mr. Aaron goes on to say, ''I have tried to be a home run hitter off the field, too. I may not have hit the huge home runs that Jackie Robinson hit or that Martin Luther King and Jesse Jackson hit. But at least I am hitting line drives. And maybe some of them will clear the fences.''

Mr. Aaron, you have hit grand slam after grand slam. You are a hero on the field. You are an inspiration off the field. It is my honor to stand in this well of the people's House and pay tribute to you.

Mr. CHAMBLISS. Mr. Speaker, I yield 2¼ minutes to the gentleman from Ohio (Mr. KASICH), the distinguished chairman of the House Committee on Budget and a great baseball fan.

Mr. KASICH. Mr. Speaker, my colleagues ought to know that the gentleman from Georgia (Mr. CHAMBLISS) is asking for unanimous consent that Mr. Aaron be added to the lineup tonight in this critical game in Atlanta. Without objection, I think, Mr. Speaker, it ought to be in order.

I wanted to just take a second to pay tribute to Hank Aaron. I do not know all of the statistics. I know that he broke Babe Ruth's record. I remember the night that he hit his home run in Cincinnati and then when he turned around and broke the record in Atlanta; obviously, one of the greatest men to have ever played baseball.

But the reason why I wanted to just say a few words about Mr. Aaron today is because I think our country is in dire need of heroes of the real thing, the real McCoy. Today we have some great heroes that I think that Henry Aaron would give a nod of agreement to: Mark McGwire; Sammy Sosa; Lance Armstrong, who overcame cancer to win that great victory in the bicycle race; Roger Staubach for what he has done and to take his career on the field; Tom Landry, also interestingly enough from the same team, athletes that our young people can look up to today.

I am always disappointed when I read in the newspapers or in the sports magazines about the athletes who sometimes forget that it was only through the grace of God that they were given the talents that they were really permitted to develop. I think, as Mr. Aaron would tell us, no athlete can be great without hard work. But no athlete can be great without the grace and the gifts that God gave them.

I think what Mr. Aaron represents in a way is a permanent hero, a permanent representative, a permanent model of the way that the modern athlete ought to conduct himself or herself, remembering at all times that the kids are watching, that the kids learn to admire and emulate integrity, playing by the rules, being able to play hard, but without vindictiveness, being able to be a good loser, and, most important, being able to be a good winner, and, in all times, remembering that one's career is only one injury away from being over, and it is only by the blessings that one has that one becomes a great performer.

I would just like to say to Mr. Aaron, thank you for what you represent. I hope that you will pass this on as often as you can to the young athletes today who can be the kind of heroes to the kids that grew up in your era, like me, that these young people can be to our young children today.

Mr. CUMMINGS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, the gentlemen from New York (Mr. BOEHLERT) and myself and others just got back from Cooperstown, New York. The first time I had ever been there. I had the opportunity to look and review the Hall of Fame.

I saw the pictures and all the honors that Hank Aaron had received by being inducted into the Hall of Fame. I was there in Atlanta, Georgia, just happened to fly from Nashville, Tennessee to Atlanta. That particular day, I was chairman of the Tennessee Public Service Commission in our great State, and I flew down there just hoping that that would be the day that Hank Aaron would break the record of Babe Ruth.

I loved Babe Ruth. I will remember that great man always, knowing that another great man broke his record by the name of Hank Aaron who has made us proud in so many ways. I am proud of baseball; I am proud of its tradition. I am proud of what it means to America and to the world.

Mr. CHAMBLISS. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from Ohio (Mr. OXLEY), who is the coach of the Republican baseball team.

Mr. OXLEY. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

Mr. Speaker, I rise also in honor of a great American, Hank Aaron. I had the opportunity to see Hank Aaron in 1958 in Milwaukee County stadium when I was visiting there with my parents. I had a chance to see him play a number of times after that. But I remember so well that experience.

I remember I was a big sports fan, still am, reading the sports magazines, Sports Illustrated and others, how Hank Aaron came up from Mobile, Alabama. He started out as a cross-handed softball player. I always wondered how anybody could hit cross-handed at all. Come to find out that, with his talent and drive and ability, he was able to set so many records, including the home run record because of that dedication and hard work and true talent.

He has been one that has made us all proud to be Americans in what he has been able to accomplish on the baseball field and off.

My hat is off, as the Republican manager, the successful manager, by the way, of a 17 to 1 victory this summer.

Mr. CUMMINGS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman from Maryland for giving me this time to honor this amazing American hero, Hank Aaron. I wish we had more Hank Aarons, Mr. Speaker, a man who remained humble, despite all the honors he achieved, a man who set a record, not only on the

baseball field, but in the lives of the young men and young women of this country.

We all admire Hank Aaron. It is an honor that he is here today to bring a freshness to this House, to bring honesty to this House, to bring a dedication to this House. We are so very glad to have him here and honor him for what he really is, and that is a true American hero who remained humble, and he still is. He has still given to the world the best he has, and the best is coming back to him.

Mr. CHAMBLISS. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished gentleman from Mobile, Alabama (Mr. CALLAHAN), the home of Hank Aaron.

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

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Georgia very much for yielding me this time.

Mr. Speaker, let me tell my colleagues I am proud to stand here in this well today just as I stood in the well of the House of Representatives in the State of Alabama during the glorious years of Hank Aaron's career and in the State Senate also, Hank, when, if you may recall, we presented you with a resolution I passed through the Senate which gave to you the exclusive use of number 715 on Alabama State license tags, which is the number of home runs that you hit in order to achieve the first world record. I do not know if you are using that license tag or not, but it is still available.

But representing Mobile, Alabama and seeing your career blossom and seeing you rise to the pinnacle that you have, watching your brilliant career knowing all along that I know Hank Aaron, he is from my hometown, and now to stand in the well of the United States Congress and to tell you today, how proud I am to represent you and how proud the people of Mobile, Alabama are of you.

We recently built a first-class stadium for the Mobile Bay Bears in Mobile, Alabama. It is a class act. The stadium is one of the finest in America. The Mobile Bay Bears are doing great. But the people of Mobile honored, once again, Hank Aaron by naming it the Hank Aaron field.

So, Hank, I look forward to visiting you later on this afternoon. We look forward to visiting you and Mrs. Aaron. I will tell your friends and family back in Mobile hello.

I understand you are going to be living in Georgia. I hope that when you fully retire that you will remember your roots, and that you will come back to Mobile, Alabama. I hope that you are there so I can recognize you when I see you driving down the street. I hope you will display that tag number 715 that the State Senate gave you exclusive authorization to use for the rest of your life.

So welcome to Washington. I join my colleagues in giving you the highest of praises for your brilliant career, but most of all for this extreme character that you represent in America here today.

□ 1315

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). The Chair would remind the Members that remarks in the debate must be addressed to the Chair and should not mention the honored guests in the gallery.

Mr. CUMMINGS. Mr. Speaker, may I inquire as to how much time each side has.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. CUMMINGS) has 5 minutes remaining, and the gentleman from Georgia (Mr. CHAMBLISS) has 8½ minutes remaining.

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

Mr. OBEY. Mr. Speaker, I grew up in Wisconsin as a Chicago Cub fan. That does not have much to do with baseball these days, I know, but I have to say that when the Braves moved from Boston to Milwaukee, I had the privilege of seeing Hank Aaron play in Milwaukee County Stadium many, many times.

I think what we are doing here today is doing two things: first of all, yes, we are paying tribute to him for what he achieved in baseball. But even more than that, I think we are here simply to pay tribute to him for the way he played the game. He did not demonstrate just power, he demonstrated integrity, he demonstrated determination, he demonstrated at all times the qualities that we most admire in all Americans. And I think because he has been a role model not just professionally but personally, he has been a grace to the game and a grace to the country to whom his career has done great honor.

Mr. CHAMBLISS. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. WATTS), the chairman of the Republican Conference.

Mr. WATTS of Oklahoma. Mr. Speaker, we have talked this afternoon about Hank Aaron's sports contribution. But let me read you what a couple of folks have said about him:

''He was a caring guy and self-effacing. He wanted things to be fair in an unfair world.'' ''He taught us to follow our dreams.'' And, ''He taught a kid from Eufaula, Oklahoma to follow his dreams.''

The reason I like sports is because it is about effort and reward, it is about discipline and results, it is about going the extra mile and getting more out of it because you do. It is about knowing the rules and following them and hitting more home runs because you do.

He knew some unfairness in his life, but he pursued his dreams anyway. He paid the price, he practiced and he didn't take no for an answer. Sports is about leveling the playing field in a real way. Henry Aaron proves that.

Hammerin' Hank, thank you. Congratulations on this milestone in sports history. Thank you for wanting things to be fair in an unfair world. Thank you for teaching our kids that dreams can still come true in a sometimes unfair world.

Mr. CUMMINGS. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, it is with a great deal of pleasure that I get up to acknowledge the man who broke the heart of a Chicago Cub fan over and over and over again. But, more importantly, was his stature and the way he carried himself in this country.

I think he would really be happy today if, instead of all these speeches, the United States Senate had not turned down an African American judge that they brought out and humiliated on the floor of the Senate. That would mean we had moved somewhere.

Mr. Robinson, Mr. Aaron showed us what it ought to be, but we still have a long way to go. We need people like Henry Aaron to show this country that we have to respect all the people in this society, even if they beat the Chicago Cubs over and over and over again.

Mr. CUMMINGS. Mr. Speaker, how much time do we have?

The SPEAKER pro tempore. The gentleman from Maryland (Mr. CUMMINGS) has 3 minutes remaining, and the gentleman from Georgia (Mr. CHAMBLISS) has 7½ minutes remaining.

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

Mr. Speaker, it certainly is an honor to stand here today and to have Hank Aaron in the audience. I cannot begin to express the thrill it is, I am sure for all of us.

When I think of my own life as a little boy in south Baltimore, where we did not have grass fields, but we played on little play lots where vacant houses had been torn down; and where we did not have bats because we could not afford them, but we used broomsticks; and we could not afford baseballs, so we found any kind of ball that we could get our hands on; the fact is that we were following a dream. We were following a dream because of people like Hank Aaron.

When we looked at him, we saw us. We had someone that we could look up to and be proud of. And so that although we were sliding onto bases that were made out of a piece of cardboard, oftentimes cutting ourselves because we did not have the grass fields; and although many times we found ourselves frustrated because when we hit a home run, the field was so small we usually broke somebody's window, the fact remains that we were still pursuing a dream.

As I listened to my colleague, the gentleman from Washington (Mr. MCDERMOTT), talk, I could not help but think about an interview that was recently had with Mr. Aaron. I felt so

proud of him because I realized that he would have traded in all of these compliments that are being made here today if he could see more African Americans and more minorities in every level of baseball. And he talked about that, and I am so glad he has done that.

But I also say that Mr. Aaron made it clear that after the baseball playing days are over, and after the curtain goes down, and after the baseball players are unseen, unnoticed, unappreciated and unapplauded, he wants to make sure that they have opportunity. For I am sure it is clear to him that an individual can have all the genetic ability that anyone could want, and all the will that an individual could possibly want, but if that individual does not have the opportunity, they are not going anywhere fast.

So we thank him for all that he has done. We thank him for lifting up little boys and giving them something to dream about. We thank him for giving Americans something to cheer about. But we also thank him for showing America what a true American is all about. And we say to him, God bless.

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

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

Mr. Speaker, I rise today to honor and recognize a man of great athletic ability, a man who has a great passion for life, a man who had a great vision for where he wanted to go, a man of great compassion, and a man who had unbelievable leadership skills.

Hank Aaron was born the third child of a rivet bucker of a shipbuilding company in Mobile, Alabama. While in high school, Hank Aaron began playing with the Mobile Bay Bears, a semi-pro team. One day in Mobile he was playing against the Indianapolis Clowns, which was on a barnstorming tour throughout the South playing other semi-pro teams, when the manager of the Indianapolis Clowns said, I have to have that guy come play for me, and he signed Hank Aaron to come play for the Indianapolis Clowns.

A couple of years later, he was scouted by the Milwaukee Braves, and at that point in time, at age 18, he was signed by the Milwaukee Braves and was sent to the Northern League in Wisconsin. At that time, when he went to Wisconsin, one of the first times he had ever been away from Mobile, Alabama, Hank Aaron began chasing his dream. In 1952, he was rookie of the year in the Wisconsin league.

The next year he moved to Jacksonville in the Sally League. He became the most valuable player in the Sally League in 1953. In 1954, he went to the big leagues, but they did not give him a chance to make it in spring training. It was only because of an injury to Bobby Thompson, who the Braves had acquired from the Giants during the off season, that Hank Aaron got a chance to play. But once he took over in left field, and he ultimately moved to right field, the rest became history.

On April the 23rd, 1954, Hank Aaron hit his first major league home run. Twenty years later, on April 4, 1974, Hank Aaron hit home run number 714, as was witnessed by our friend, the gentleman from Ohio (Mr. BOEHNER). Four days later, on April 8, 1974, at 9:07 p.m., Hank Aaron hit home run number 715 at Atlanta Fulton County Stadium.

And those of my colleagues who have an opportunity to go to Turner Field today, which sits right across the street from where Atlanta Fulton County Stadium used to sit, ought to take a minute to go over and take a look at what is now a parking lot. There my colleagues will see a brass plate in the shape of a home plate. That is where home plate sat in Atlanta Fulton County Stadium. In the outfield, where home field number 715 used to be marked, there is the original section of the fence still existing today with the number 715 painted on it. That is where Hank Aaron hit number 715.

The next year, after he hit number 715, Hank Aaron was traded back to Milwaukee, which was his original home playing area. He spent two seasons there playing for then the Milwaukee Brewers, and wound up, as we have already heard, hitting 755 home runs.

He retired after the 1976 season, but here are some of the records which Hank Aaron still holds: obviously, most home runs ever hit in a career; 2,297 runs batted in; 6,856 total bases touched during his career; and 1,477 extra base hits during his career.

Hank Aaron obtained these records because he was a model of consistency. In his 24-year career, he played in 22 All Star games. He hit between 24 and 45 home runs for 19 straight seasons. For 11 years, he had 100-plus runs batted in. For 15 years, he scored 100-plus runs. He won two batting titles and four Gold Gloves.

After he retired, Hank Aaron came back to Atlanta and has been employed with the Braves organization since. Today, he is a senior vice president with the Atlanta Braves organization.

Several years ago, Hank and his lovely wife, Billy, started the Chasing the Dream Foundation. Today, Hank Aaron recognizes that there are any number of young people out there who do not have the opportunity that he had and Hank Aaron and his wife, Billy, established this foundation to provide an opportunity for kids between the ages of 9 and 12 to have the opportunity to improve themselves. They do not have to be athletes. They can be people who need rides to dance classes or people who need music lessons paid for. But if they exhibit an ability, if they exhibit good scholastic habits, they are available to apply for a scholarship from the Chasing the Dream Foundation, chasing the dream, just like Hank Aaron did many, many years ago in Mobile, Alabama.

Today, this great American, Henry Louis Aaron, is still chasing his dream, his dream to make America a better place to live, and he is doing his part. Hank, we all salute you, my friend. God bless you, and thank you for everything that you do for America.

Mr. LEWIS of Georgia. Mr. Speaker, it is fitting today, a day on which our Atlanta Braves play for the right to join the New York Yankees in the World Series, that the United States Congress takes the time to pause and honor the contributions of a great Brave, Mr. Henry Aaron.

Number 44 for the Atlanta Braves is the all-time leader in home runs, a record that stands among the greatest in sports. And while records are made to be broken, the spirit of inspiration that Mr. Aaron's example offers to all Americans will stand for all time. I am pleased to join my Georgia colleague, Congressman SAXBY CHAMBLISS, in a truly bipartisan effort to ensure that the tremendous achievements of Henry Aaron, the baseball player and the man, are recorded by the U.S. Congress.

We cannot forget the difficult times, the troubled waters, and the lonely bridges that Henry Aaron and his family had to contend with. When a young Henry Aaron dared to dream of being a professional baseball player, he could not have imagined the naked, raw, and uncaring face of discrimination that he would later confront virtually every day. But despite the hurdles that both baseball and life placed in his way, henry Aaron refused to allow his dreams to die. He fought on not only to merely play professional baseball but to surpass the records of Ruth on his way to becoming one of the greatest players of all times. Today I honor Henry Aaron, not only for the thrill of watching a great player swing his way into the record books but for the pride of watching a great man march his way into the history books.

I rise, indeed I ask all of us to rise today in honoring the now and forever Number 44 of the Atlanta Braves, Mr. Henry Aaron.

Mr. DAVIS of Virginia. Mr. Speaker, public officials are used to scrutiny and, to varying degrees, accustomed to the sometimes harsh glare of the spotlight. But none of us have had to endure what Henry Aaron had to endure as he approached number 715. The pressure, I can only assume, must have been suffocating. Everywhere he went, cameras focused on him. Every step he took was followed by an army of reporters with the same probing questions. Hank Aaron was living in a fish bowl.

And it wasn't a very warm bowl at that. A vocal minority of hate-filled folks out there actually took umbrage at Aaron's success and tried, unsuccessfully, to undercut his courage. The manner in which Hank Aaron assumed the post of career home run leader speaks as much about the man as the feat itself.

I am a baseball fan, and therefore I am a Hank Aaron fan. I remember the evening of April 8 with startling clarity: the first inning walk, the fourth inning shot off the first Al Downing pitch he swung at that night, the pandemonium that followed. It is a moment forever etched on my mind, and, indeed, on the American cultural landscape.

Baseball fans love statistics, and when it comes to plain numbers there was none more impressive than the Hammer. 755 career home runs. 2,297 RBIs, including 11 seasons with more than 100. 6,856 total bases. 24 All-Star game appearances, two batting titles and four gold gloves. These are numbers that speak for themselves.

But Hank Aaron gave us so much more, as a ballplayer and as a man. In this age of skyrocketing salaries and off-the-field soap operas, Hank Aaron provides all of us with a benchmark of professionalism and a shining example for our children of what success is all about.

Later on in the evening of April 8, 1974, Aaron told reporters the record-breaking homer wouldn't have meant as much if the Braves hadn't won the game. What humility. Thanks, Hank: your feat meant so much more to the American people because of the way you accomplished it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the Members not to introduce occupants of the gallery.

The question is on the motion offered by the gentleman from Georgia (Mr. CHAMBLISS) that the House suspend the rules and agree to the resolution, House Resolution 279, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 2130

## DISCRETIONARY SPENDING OFFSETS ACT FOR FISCAL YEAR 2000

Mr. LEWIS of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3085) to provide discretionary spending offsets for fiscal year 2000, as amended.

The Clerk read as follows:

H.R. 3085

*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 ''Discretionary Spending Offsets Act for Fiscal Year 2000''.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:


Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—OFFSETS FOR DISCRETIONARY SPENDING

Subtitle A—Agriculture

PART I—FOOD SAFETY INSPECTION AND ENFORCEMENT FEES

Sec. 111. Fees for inspection of poultry and poultry products and related activities.
Sec. 112. Fees for inspection of livestock, meat, and meat products and related activities.
Sec. 113. Fees for inspection of egg products and related activities.
Sec. 114. Conforming amendments.

PART II—ASSESSMENTS UNDER TOBACCO PROGRAM

Sec. 121. Extension and increase in tobacco assessment.

PART III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE COST-SHARE FEES

Sec. 131. Biotechnology testing permit user fees regarding plant pests.
Sec. 132. Biotechnology testing permit user fees regarding plants.
Sec. 133. Fees for license and registration services under Animal Welfare Act.

PART IV—GRAIN INSPECTION, PACKERS, AND STOCKYARD ADMINISTRATION LICENSING FEE

Sec. 141. Grain standardization fees.
Sec. 142. Packers and stockyard licensing fee.

PART V—FOREST SERVICE FEES

Sec. 151. Timber sales preparation user fee.
Sec. 152. Fees for commercial filming.
Sec. 153. Timber and special forest products.
Sec. 154. Forest service visitor facilities improvement demonstration program.
Sec. 155. Fair market value for recreation concessions.

Subtitle B—Commerce

PART I—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NAVIGATION SERVICES FEES

Sec. 211. Navigation services fees.

PART II—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FISHERIES MANAGEMENT FEES

Sec. 221. Fisheries management fees.

PART III—ANALOG TELEVISION SERVICE SIGNAL LEASE FEE

Sec. 231. Analog television service signal lease fee.

Subtitle C—Education and Labor

PART I—NATIONAL DIRECTORY OF NEW HIRES

Sec. 311. Matching against NDNH with respect to defaulted loans and overpayments of grants under the Higher Education Act of 1965.

PART II—RECALL OF FEDERAL RESERVES HELD BY GUARANTY AGENCIES

Sec. 321. Recall of reserves in fiscal years 2000 through 2004.

PART III—EMPLOYER TAX CREDIT USER FEES

Sec. 331. Work opportunity credit and welfare-to-work credit user fees.

Subtitle D—Natural Resource, Energy, and Environment

PART I—NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES

Sec. 411. Nuclear Regulatory Commission user fees and annual charges.

PART II—FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT FEES

Sec. 421. Federal Insecticide, Fungicide, and Rodenticide Act fees.
Sec. 422. Conforming amendment.

PART III—TOXIC SUBSTANCES CONTROL ACT FEES

Sec. 431. Toxic Substances Control Act fees.

Subtitle E—Revenue

PART I—REINSTATE SUPERFUND TAXES

Sec. 511. Extension of Hazardous Substance Superfund taxes.

PART II—TOBACCO EXCISE TAXES

Sec. 521. Increase in excise taxes on tobacco products.
Sec. 522. Modification of deposit requirement.

PART III—CUSTOMS ACCESS FEE

Sec. 531. Customs access fee.

PART IV—CUSTOMS AIR AND SEA PASSENGER PROCESSING FEE AMENDMENTS

Sec. 541. Customs passenger and cargo fee.

PART V—HARBOR SERVICES USER FEE

Sec. 551. Harbor services fee.
Sec. 552. Harbor services fund.
Sec. 553. Conforming amendments.
Sec. 554. Definitions.
Sec. 555. Effective date.

Subtitle F—Human Services

PART I—TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AMENDMENTS

Sec. 611. FY 2000 State TANF supplemental grant limited to amount of grant for FY 1999.

PART II—TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CONTINGENCY FUND

Sec. 621. Deposits into fund.
Sec. 622. State eligibility for grants; elimination of extra month of eligibility.
Sec. 623. Annual reconciliation.
Sec. 624. Effective date.

Subtitle G—Health Care

PART I—MEDICARE SAVERS

Sec. 711. References in part.
Sec. 712. Reduction of clinical diagnostic laboratory test cap from 74 percent to 72 percent.
Sec. 713. Establishment of national limit on payments for prosthetics and orthotics.
Sec. 714. Reduction in payment for bad debts.
Sec. 715. PPS hospital payment update for fiscal year 2000.
Sec. 716. No markup for covered drugs; elimination of overpayments for epogen.
Sec. 717. Partial hospitalization services.
Sec. 718. Information requirements.
Sec. 719. Centers of excellence.
Sec. 719A. Effect of enactment.

PART II—FOOD AND DRUG ADMINISTRATION USER FEES

Sec. 720. References in part.

SUBPART A—MEDICAL DEVICE FEES

Sec. 721. Short title.
Sec. 722. Fees relating to devices.
Sec. 723. Sunset.

SUBPART B—FEES TO SUPPORT COSTS OF REVIEW OF FOOD AND COLOR ADDITIVE PETITIONS

Sec. 725. Short title.
Sec. 726. Fees to support costs of food and color additive petitions.
Sec. 727. Registration of food ingredient and color additive producers.
Sec. 728. Amendments relating to food additive petition review process.
Sec. 728A. Amendments relating to color additive petition review process.

SUBPART C—FOOD CONTACT SUBSTANCE NOTIFICATION FEES

Sec. 729. Short title.
Sec. 729A. Fees relating to food contact substance notifications.
Sec. 729B. Amendment relating to food contact substance notification process.

PART III—HEALTH CARE FINANCING ADMINISTRATION USER FEES

Sec. 731. References in part.
Sec. 732. Increase in Medicare+Choice fee for enrollment-related costs.
Sec. 733. Collection of fees from Medicare+Choice organizations for contract initiation and renewal.
Sec. 734. Fees for survey and certification.
Sec. 735. Fees for registration of individuals and entities providing health care items or services under medicare.
Sec. 736. Fees for processing claims.
Sec. 737. Repeal of provision related to selection of regional laboratory carriers.
Sec. 738. Authority to issue interim final regulations.

Subtitle H—Transportation

PART I—FEDERAL AVIATION ADMINISTRATION COST-BASED USER FEES

Sec. 811. Federal Aviation Administration cost-based user fees.

PART II—COAST GUARD VESSEL NAVIGATION ASSISTANCE FEE

Sec. 821. Coast Guard vessel navigational assistance fee.

PART III—HAZARDOUS MATERIALS TRANSPORTATION SAFETY FEES

Sec. 831. Hazardous materials transportation safety fees.

PART IV—COMMERCIAL ACCIDENT INVESTIGATION FEES

Sec. 841. Commercial accident investigation user fees.

PART V—SURFACE TRANSPORTATION BOARD USER FEES

Sec. 851. Surface Transportation Board user fees.

PART VI—RAIL SAFETY USER FEES

Sec. 861. Rail safety inspection user fees.

TITLE II—BUDGET PROVISIONS

Sec. 2001. Reduction of preexisting balances on paygo scorecard.

## TITLE I—OFFSETS FOR DISCRETIONARY SPENDING

### Subtitle A—Agriculture

### PART I—FOOD SAFETY INSPECTION AND ENFORCEMENT FEES

**SEC. 111. FEES FOR INSPECTION OF POULTRY AND POULTRY PRODUCTS AND RELATED ACTIVITIES.**

(a) USER FEES AUTHORIZED.—Section 25 of the Poultry Products Inspection Act (21 U.S.C. 468) is amended to read as follows:

**''SEC. 25. FEES FOR INSPECTION OF POULTRY AND POULTRY PRODUCTS AND RELATED ACTIVITIES.**

''(a) IMPOSITION AND COLLECTION OF FEES.—Except as provided in subsection (e), the Secretary shall charge and collect fees in a fair and equitable manner to cover all costs (including the costs of providing inspection services to establishments and of conducting enforcement actions) incurred by the Secretary and the inspection service to administer this Act.

''(b) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(c) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (b) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

''(d) SECURITY.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

''(e) FEE EXCEPTION FOR CERTAIN ACTIVITIES.—Subsection (a) shall not apply to the costs associated with cooperating with State agencies and other Federal agencies in accordance with section 5 and the costs of the Safe Meat and Poultry Inspection Panel incurred under section 30.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 26 of the Poultry Products Inspection Act (21 U.S.C. 469) is amended to read as follows:

**''SEC. 26. AUTHORIZATION OF APPROPRIATIONS.**

''There are hereby authorized to be appropriated such sums as may be necessary to carry out sections 5 and 30.''.

(c) ANNUAL REPORT.—Section 27 of the Poultry Products Inspection Act (21 U.S.C. 470) is amended to read as follows:

**''SEC. 27. ANNUAL REPORT.**

''The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate with respect to the following:

''(1) The slaughter of poultry subject to this Act.

''(2) The preparation, storage, handling, and distribution of poultry parts and poultry products.

''(3) The inspection of establishments operated in connection with the activities specified in paragraphs (1) and (2).

''(4) Fee setting activities authorized under section 25.

''(5) The operations under and the effectiveness of this Act.''.

**SEC. 112. FEES FOR INSPECTION OF LIVESTOCK, MEAT, AND MEAT PRODUCTS AND RELATED ACTIVITIES.**

(a) USER FEES AUTHORIZED.—Section 411 of the Federal Meat Inspection Act (21 U.S.C. 680) is amended to read as follows:

**''SEC. 411. FEES FOR INSPECTION OF LIVESTOCK, MEAT, AND MEAT PRODUCTS AND RELATED ACTIVITIES.**

''(a) IMPOSITION AND COLLECTION OF FEES.—Except as provided in subsection (e), the Secretary shall charge and collect fees in a fair and equitable manner to cover all costs (including the costs of providing inspection services to establishments and of conducting enforcement actions) incurred by the Secretary to administer this Act and section 17 of the Wholesome Meat Act (21 U.S.C. 691).

''(b) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(c) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (b) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

''(d) SECURITY.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

''(e) FEE EXCEPTION FOR CERTAIN ACTIVITIES.—Subsection (a) shall not apply to the costs associated with cooperating with State agencies and other Federal agencies in accordance with section 301 and the costs of the Safe Meat and Poultry Inspection Panel established under section 410.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended—

(1) in section 410 (21 U.S.C. 679a), by striking subsection (i); and

(2) by inserting after section 411 (21 U.S.C. 680) the following new section:

**''SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

''There are hereby authorized to be appropriated such sums as may be necessary to carry out sections 301 and 410.''.

(c) ANNUAL REPORT.—Section 17 of the Wholesome Meat Act (21 U.S.C. 691) is amended to read as follows:

**''SEC. 17. ANNUAL REPORT.**

''The Secretary of Agriculture shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate with respect to the following:

''(1) The slaughter of animals subject to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

''(2) The preparation, storage, handling, and distribution of carcasses, parts thereof, and meat and meat food products of such animals.

''(3) The inspection of establishments operated in connection with the activities specified in paragraphs (1) and (2).

''(4) Fee setting activities authorized under section 411 of the Federal Meat Inspection Act.

''(5) The operations under and the effectiveness of the Federal Meat Inspection Act.''.

**SEC. 113. FEES FOR INSPECTION OF EGG PRODUCTS AND RELATED ACTIVITIES.**

(a) USER FEES AUTHORIZED.—Section 24 of the Egg Products Inspection Act (21 U.S.C. 1053) is amended to read as follows:

**''SEC. 24. FEES FOR INSPECTION OF EGG PRODUCTS AND RELATED ACTIVITIES.**

''(a) IMPOSITION AND COLLECTION OF FEES.—Except as provided in subsection (e), the Secretary shall charge and collect fees in a fair and equitable manner to cover all costs (including the costs of providing inspection services to establishments and of conducting enforcement actions) incurred by the Secretary to administer this Act

''(b) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(c) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (b) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

''(d) SECURITY.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

''(e) FEE EXCEPTION FOR CERTAIN ACTIVITIES.—Subsection (a) shall not apply to the costs associated with the shell egg surveillance program and the costs of cooperating with appropriate State agencies and other governmental agencies in accordance with section 9.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 27 of the Egg Products Inspection Act (21 U.S.C. 1055), to read as follows:

**''SEC. 27. AUTHORIZATION OF APPROPRIATIONS.**

''Except for the costs of activities supported by fees collected pursuant to section 24, there are authorized to be appropriated such sums as may be necessary to carry out this Act.''.

(c) ANNUAL REPORT.—Section 26 of the Egg Products Inspection Act (21 U.S.C. 1054) is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2), by striking the period and inserting ''; and''; and

(3) by inserting at the end the following new paragraph:

''(3) the fee setting activities authorized under section 24.''.

**SEC. 114. CONFORMING AMENDMENTS.**

(a) PAYMENT FOR OVERTIME WORK.—The Act of July 24, 1919 (7 U.S.C. 394), is amended by striking '', and to accept from such establishments,'' and all that follows through ''for such overtime work''.

(b) PAYMENTS OF COST OF MEAT INSPECTION.—The Act of June 5, 1948 (21 U.S.C. 695), is repealed.

### PART II—ASSESSMENTS UNDER TOBACCO PROGRAM

**SEC. 121. EXTENSION AND INCREASE IN TOBACCO ASSESSMENT.**

Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) is amended by adding at the end the following new subsection:

''(h) TOBACCO MARKETING ASSESSMENT FOR 1999 AND SUBSEQUENT CROPS.—

''(1) ASSESSMENT REQUIRED.—For each crop of tobacco beginning with the 1999 crop for which price support is made available under this Act, each producer and purchaser of the tobacco, and each importer of the same kind of tobacco, shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment.

''(2) DETERMINATION OF ASSESSMENT RATE.—Subject to paragraph (3), the Secretary shall announce the amount per pound due by crop for each kind of tobacco subject to the assessment. The assessment, to the maximum extent practicable, shall be established so that the total assessment per pound on each kind of tobacco shall be a standard percentage of the respective national average support level for such kind of tobacco.

''(3) REQUIRED COLLECTIONS.—The assessment required by this subsection shall be in such amount to produce, to the maximum extent practicable, a total annual collection estimated to be $60,000,000 in fiscal year 2000.

''(4) ALLOCATION OF ASSESSMENT.—

''(A) DOMESTIC PRODUCERS.—In the case of domestically produced tobacco, the producer of the tobacco shall pay for each pound of tobacco the lesser of—

''(i) 25 percent of the per pound assessment amount as determined in paragraph (2); or

''(ii) 0.5 percent of the national support price for the tobacco.

''(B) PURCHASERS OF DOMESTICALLY PRODUCED TOBACCO.—Purchasers of domestically produced tobacco shall pay the portion of the total assessment on a pound of tobacco which represents the difference between

''(i) the total per pound assessment as provided in paragraph (2); and

''(ii) the amount of such assessment to be paid by the domestic producer as provided in subparagraph (A).

''(C) IMPORTED TOBACCO.—In the case of imported tobacco, the importer shall pay the full amount of the assessment on a pound of tobacco as provided in paragraph (2).

''(5) COLLECTION OF ASSESSMENTS.—Assessments imposed under this subsection, as well as late payment penalties and interest with respect to the assessments, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(6) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under paragraph (5) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to reimburse the Department of Agriculture for costs incurred for administration and other activities in support of tobacco.

''(7) RELATION TO PREVIOUS ASSESSMENT AUTHORITY.—Paragraphs (2) and (3) of subsection (g) shall apply to this subsection.''.

## PART III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE COST-SHARE FEES

### SEC. 131. BIOTECHNOLOGY TESTING PERMIT USER FEES REGARDING PLANT PESTS.

The Federal Plant Pest Act (7 U.S.C. 150aa et seq.) is amended by adding at the end the following new section:

### ''SEC. 112. FEES FOR BIOTECHNOLOGY-RELATED SERVICES.

''(a) FEES REQUIRED.—The Secretary shall prescribe and collect to cover the costs of carrying out the provisions of this title that relate to the following:

''(1) The issuance of any biotechnology permit.

''(2) The acknowledgment of any biotechnology notification.

''(3) The review of any biotechnology petition.

''(4) The provision of any other biotechnology service, including the review of organisms and products created through biotechnology.

''(b) EXEMPTIONS.—The Secretary may exempt certain persons from paying fees prescribed under this section, including persons conducting research and development activities that receive State or Federal funds and have no commercial intent.

''(c) LIABILITY.—Any person for whom an activity is performed pursuant to this title for which a charge is authorized shall be liable for payment of fees as prescribed by the Secretary.

''(d) SECURITY.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

''(e) SUSPENSION OF SERVICE.—The Secretary may suspend performance of services to persons who have failed to pay fees, late payment fees, late payment penalties, or accrued interest incurred under this section.

''(f) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(g) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (f) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

''(h) DEFINITION OF PERSON.—In this section, the term 'person' means an individual, corporation, partnership, trust, association, or any other public or private entity, except that the term does not include Federal entities, or any officer, employee, or agent of a Federal entity.''.

### SEC. 132. BIOTECHNOLOGY TESTING PERMIT USER FEES REGARDING PLANTS.

The Act of August 20, 1912 (commonly known as the Plant Quarantine Act) is amended by inserting after section 11 the following new section:

### ''SEC. 12. FEES FOR BIOTECHNOLOGY-RELATED SERVICES.

''(a) FEES REQUIRED.—The Secretary shall prescribe and collect to cover the costs of carrying out the provisions of this title that relate to the following:

''(1) The issuance of any biotechnology permit.

''(2) The acknowledgment of any biotechnology notification.

''(3) The review of any biotechnology petition.

''(4) The provision of any other biotechnology service, including the review of organisms and products created through biotechnology.

''(b) EXEMPTIONS.—The Secretary may exempt certain persons from paying fees prescribed under this section, including persons conducting research and development activities that receive State or Federal funds and have no commercial intent.

''(c) LIABILITY.—Any person for whom an activity is performed pursuant to this title for which a charge is authorized shall be liable for payment of fees as prescribed by the Secretary.

''(d) SECURITY.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

''(e) SUSPENSION OF SERVICE.—The Secretary may suspend performance of services to persons who have failed to pay fees, late payment fees, late payment penalties, or accrued interest incurred under this section.

''(f) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(g) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (f) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

''(h) DEFINITION OF PERSON.—In this section, the term 'person' means an individual, corporation, partnership, trust, association, or any other public or private entity, except that the term does not include Federal entities, or any officer, employee, or agent of a Federal entity.''.

### SEC. 133. FEES FOR LICENSE AND REGISTRATION SERVICES UNDER ANIMAL WELFARE ACT.

Section 23 of the Animal Welfare Act (7 U.S.C. 2153) is amended to read as follows:

### ''SEC. 23. FUNDS FOR ADMINISTRATION OF ACT.

''(a) IMPOSITION AND COLLECTION OF FEES.—Except as provided in subsection (b), the Secretary shall prescribe, adjust, and collect fees to cover the costs incurred by the Secretary for activities related to the following:

''(1) The review and maintenance of licenses and registrations issued under this Act.

''(2) The review of applications for a license or registration under this Act.

''(b) EXCEPTIONS.—The Secretary shall exempt Federal entities from any fee prescribed under subsection (a).

''(c) SECURITY.—The Secretary may require a person that is assessed a fee under this section to provide security to ensure that the Secretary receives fees authorized under this section from such person.

''(d) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(e) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (d) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

''(f) AUTHORIZATION OF APPROPRIATIONS.—Except for the costs of activities supported by fees prescribed under subsection (a), there are authorized to be appropriated such sums as may be necessary to carry out this Act.''.

## PART IV—GRAIN INSPECTION, PACKERS, AND STOCKYARD ADMINISTRATION LICENSING FEE

### SEC. 141. GRAIN STANDARDIZATION FEES.

(a) FEES FOR STANDARDIZATION ACTIVITIES.—Section 16(i) of the United States Grain Standards Act (7 U.S.C. 87e(i)) is amended—

(1) in paragraph (2)—

(A) by striking ''standardization'' and inserting ''compliance activities, methods development,''; and

(B) by adding at the end the following new sentence: ''Under such regulations as the Secretary may prescribe, fees for standardization activities shall, to the extent practicable, be collected from persons who benefit from such activities, including first purchasers, processors, and grain warehouseman.''; and

(2) by adding at the end the following new paragraph:

''(4) In paragraph (2):

''(A) The term 'first purchaser' means any person buying or otherwise acquiring from a producer grain that was produced by that producer.

''(B) The term 'producer' means any person engaged in the growing of grain in the United States who has an ownership interest and a risk of loss regarding the grain.''.

(b) CONFORMING AMENDMENTS.—The United States Grain Standards Act (7 U.S.C. 71 et seq.) is amended—

(1) in section 7D (7 U.S.C. 79d), by striking ''standardization'' and inserting ''methods development''; and

(2) in section 19 (7 U.S.C. 87h), by striking ''standardization'' and inserting ''methods development''.

**SEC. 142. PACKERS AND STOCKYARD LICENSING FEE.**

(a) IN GENERAL.—The Packers and Stockyards Act, 1921, is amended—

(1) by redesignating sections 414 and 415 (7 U.S.C. 228c and 229) as sections 416 and 417, respectively; and

(2) by inserting after section 413 (7 U.S.C. 228b–4) the following new sections:

**''SEC. 414. LICENSES AND FEES.**

''(a) LICENSE REQUIREMENT.—No person shall at any time be engaged in the business of a packer, live poultry dealer, stockyard owner, market agency, or dealer without a valid and effective license issued in accordance with this section and section 415.

''(b) APPLICATION FOR A LICENSE.—Any person desiring a license required by subsection (a) shall submit an application to the Secretary, consistent with such rules as the Secretary may prescribe.

''(c) LICENSE FEES.—

''(1) ESTABLISHMENT.—The Secretary shall establish a fee for the issuance of licenses required by subsection (a). Upon the filing of the application for the license, and annually thereafter so long as the license is in effect, the applicant shall pay the license fee.

''(2) RATE.—The amount of the fee shall be established at a rate sufficient so that the total amount collected in a fiscal year covers all costs incurred by the Department of Agriculture to administer this Act.

''(3) SECURITY.—The Secretary may require a person that is assessed a fee under this subsection to provide security to ensure that the Secretary receives the fees required from the person.

''(d) COLLECTION OF FEES.—Fees imposed under subsection (c), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(e) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (d) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to carry out this Act.

''(f) VIOLATIONS.—

''(1) PENALTIES.—Any person who violates any provision of this section shall be liable for a penalty of not more than $1,000 for each such offense and not more than $250 for each day it continues, which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

''(2) SETTLEMENT.—The Secretary may permit a person to settle such person's liability in the matter by the payment of fees due for the period covered by such violation and an additional sum as a late payment penalty, not in excess of $250, to be fixed by the Secretary, upon a showing satisfactory to the Secretary, that such violation was not willful but was due to inadvertence.

**''SEC. 415. TERMS OF LICENSE.**

''(a) RIGHTS OF LICENSEE.—Whenever an applicant has paid the prescribed fee under section 414, the Secretary, except as provided elsewhere in this Act, shall issue to such applicant a license, which shall entitle the licensee to do business unless and until the license is terminated or suspended by the Secretary in accordance with the provisions of this Act.

''(b) AUTOMATIC TERMINATION OF LICENSE.—

''(1) FAILURE TO PAY RENEWAL FEE.—Except as provided in subparagraph (B), a license issued under subsection (a) shall automatically terminate on the anniversary date of the issuance of the license if the annual fee is unpaid by the anniversary date.

''(2) EXCEPTION.—A licensee may obtain a renewal of the license at any time within 30 days after the anniversary date of the license by paying an additional late payment fee as determined by the Secretary.

''(3) NOTIFICATION.—Notice of the necessity of paying the annual fee shall be mailed to the licensee at least 30 days before the anniversary date of the license.

''(c) DENIAL OF APPLICATION FOR A LICENSE.—The Secretary shall refuse to issue a license to an applicant if the Secretary finds that the applicant is a person who—

''(1) has a license currently under suspension;

''(2) fails to meet the requirements for licensing as set forth in the Act and regulations prescribed by the Secretary; or

''(3) is found, after opportunity for hearing, to be unfit to engage in the activity for which application has been made because the applicant has engaged in any practice of the character prohibited by this Act.''.

(b) CONFORMING AMENDMENTS.—

(1) PACKERS AND STOCKYARDS ACT.—Section 303 of the Packers and Stockyards Act, 1921 (7 U.S.C. 203), is amended by striking ''he has registered with the Secretary,'' and all that follows through the end of the section and inserting ''the person has a valid license as provided in sections 414 and 415.''.

(2) DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1944.—The eleventh paragraph under the heading ''MARKETING SERVICE'' in the Department of Agriculture Appropriation Act, 1944 (7 U.S.C. 204), is amended—

(A) by striking ''registrant'' the first time it appears and inserting ''market agency or dealer''; and

(B) striking ''such registrant'' and inserting ''the license of such market agency or dealer''.

## PART V—FOREST SERVICE FEES

**SEC. 151. TIMBER SALES PREPARATION USER FEE.**

Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) is amended by adding at the end the following new subsection:

''(j) TIMBER SALE PREPARATION USER FEE.—

''(1) FEE REQUIRED.—The Secretary of Agriculture shall implement a pilot program to charge and collect fees, at the time of the timber contract award, to cover the direct costs to the Department of Agriculture of timber sale preparation and harvest administration, including timber design, layout, and marking.

''(2) CERTAIN COSTS AND SALES EXCLUDED.—Paragraph (1) shall not apply to timber sale preparation and harvest administration costs related to the following:

''(A) An environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(B) Stewardship activities, including activities under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note).

''(C) Timber sales when the Secretary determines that the fee would adversely affect the marketability of the timber sale, or the ability of a small business concern (as defined in the Small Business Act (15 U.S.C. 631 et seq.)) to bid competitively on the timber sale.

''(3) COLLECTION OF FEES.—Fees imposed under this section (c) shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(4) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under paragraph (3) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the activities referred to in paragraph (1).

''(5) TERM.—The authority to collect fees under this subsection shall terminate on September 30, 2007.''.

**SEC. 152. FEES FOR COMMERCIAL FILMING.**

(a) DEFINITION OF COMMERCIAL FILMING.—In this section, the term ''commercial filming'' means the making of any motion picture, television production, soundtrack, still photography, or similar project for commercial purposes.

(b) COLLECTION AND USE OF FUNDS.—

(1) IN GENERAL.—Rental fees paid to the Secretary of Agriculture for special use authorizations issued under the eleventh paragraph under the heading ''SURVEYING THE PUBLIC LANDS'' in the Act of June 4, 1897 (16 U.S.C. 551), and issued under part 251, subpart B of title 36, Code of Federal Regulations, for commercial filming on National Forest System lands shall be deposited into a special account in the Treasury of the United States.

(2) AUTHORITY TO USE FUNDS.—Funds deposited in the Treasury in accordance with paragraph (1) shall be available for expenditure by the Secretary of Agriculture, without further appropriation and until expended, for the administration and management of special uses on National Forest System lands.

**SEC. 153. TIMBER AND SPECIAL FOREST PRODUCTS.**

Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) is amended by inserting after subsection (j), as added by section 151, the following new subsection:

''(k) FAIR MARKET VALUE FOR SPECIAL FOREST PRODUCTS.—

''(1) DEFINITION OF SPECIAL FOREST PRODUCT.—In this subsection, the term 'special forest product' means any vegetation or other life form, such as mushrooms and fungi, that grows on National Forest System lands, as provided in regulations issued under this subsection by the Secretary of Agriculture.

''(2) FEES REQUIRED.—The Secretary of Agriculture shall charge and collect fees in an amount determined to be appropriate by the Secretary in regulations based on not less than the fair market value for special forest products harvested or collected on National Forest System lands and the costs, as appropriate, to the Department of Agriculture associated with granting, modifying, or monitoring the authorization for harvest or collection of these products. The Secretary shall establish appraisal methods and bidding procedures to ensure that the amounts collected for special forest products are not less than fair market value.

''(3) WAIVER.—The Secretary may waive the application of paragraph (2) pursuant to

such regulations as the Secretary may prescribe, such as waivers for harvest and collection for personal use, for religious purposes, pursuant to treaty rights, or for other specified uses.

''(4) COLLECTION OF FEES.—Fees collected under this subsection shall be deposited into a special account in the Treasury of the United States.

''(5) AUTHORITY TO USE FUNDS.—Funds deposited in the special account in the Treasury in accordance with paragraph (4) in excess of the amount collected for special forest products during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture on and after October 1, 1999, without further appropriation and until expended, to pay for the costs of conducting inventories of special forest products, granting, modifying, or monitoring the authorization for harvest or collection of the special forest products, including the costs of any environmental or other analysis, monitoring and assessing the impacts of harvest levels and methods, and for restoration activities, including any necessary revegetation.

''(6) TREATMENT OF FEES.—Amounts collected under this subsection shall not be taken into account for the purposes of the following laws:

''(A) The sixth paragraph under the heading 'FOREST SERVICE' in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 500).

''(B) The fourteenth paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1913 (16 U.S.C. 501).

''(C) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

''(D) The Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.).

''(E) Section 6 of the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869–4).

''(F) Chapter 69 of title 31, United States Code.

''(G) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s).

''(H) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a).

''(I) Any other provision of law relating to revenue allocation.

''(7) SECURITY.—The Secretary may require a person that is assessed a fee under this subsection to provide security to ensure that the Secretary receives fees authorized under this subsection from such person.''.

**SEC. 154. FOREST SERVICE VISITOR FACILITIES IMPROVEMENT DEMONSTRATION PROGRAM.**

The Act of April 24, 1950 (commonly known as the Granger-Thye Act) is amended by inserting after section 7 (16 U.S.C. 580d) the following new section:

**''SEC. 7A. FOREST SERVICE VISITOR FACILITIES IMPROVEMENT DEMONSTRATION PROGRAM.**

''(a) DEFINITION OF CONCESSIONAIRE.—In this section, the term 'concessionaire' means an individual, corporation, partnership, public agency, or nonprofit group.

''(b) DEMONSTRATION PROGRAM REQUIRED.—The Secretary of Agriculture (in this section referred to as the 'Secretary') shall implement a public/private venture demonstration program to evaluate the feasibility of utilizing non-Federal funds to construct, rehabilitate, maintain, and operate federally owned visitor facilities (including resorts, campgrounds, and marinas) on National Forest System lands and to conduct the requisite environmental analysis associated with those activities. The demonstration program shall include not more than 15 projects.

''(c) AUTHORIZED PROJECTS.—In accordance with the applicable land and resource management plans, the Secretary shall authorize concessionaires to construct, maintain, and operate new federally owned visitor facilities and rehabilitate, maintain, and operate existing federally owned visitor facilities on National Forest System lands. Title to the authorized improvements attributable to the concessionaire's capital investment shall be vested in the United States. The Secretary shall provide for competition in the selection of any concessionaire under this section to ensure the highest quality visitor services consistent with the best financial return to the Government. Standard business practices will be used to determine minimum fees that reflect fair market value.

''(d) TERM OF AUTHORIZATION AND DEPRECIATION.—

''(1) TERM.—The term of each authorized project under the demonstration program shall be based on the Secretary's estimate of the time needed to allow the concessionaire to depreciate its capital investment, except that in no event shall the term of authorization exceed 35 years. Any term exceeding 20 years shall require Regional Forester approval.

''(2) PURCHASE OF VALUE.—Any authorization issued under this section shall provide for the purchase by the Secretary or a succeeding concessionaire of any value in the authorized improvements attributable to the original concessionaire's capital investment that is not fully depreciated—

''(A) upon termination of the authorization; or

''(B) upon revocation of the authorization for reasons in the public interest.

''(3) EXCEPTION.—The Secretary shall not be obligated to purchase any value in an authorized improvement if the authorization is revoked for any reason other than the public interest.

''(4) DETERMINATION OF VALUE.—The value of an authorized improvement shall be the amount reported to the Internal Revenue Service that reflects the depreciation of the concessionaire's investment in the authorized improvement. This amount shall reflect all cumulative depreciation taken by the concessionaire during the term of the authorization.

''(e) DISPOSAL OF EXISTING FACILITIES.—Notwithstanding any other provision of law, the Secretary is authorized to sell at fair market value existing federally owned visitor facilities on National Forest System lands to a concessionaire authorized under this section, if the Secretary determines sale of the facilities is in the best interest of the Federal Government and if the concessionaire agrees that any construction, renovation, or improvement of such facilities will be consistent with applicable land and resource management plans and Federal and State laws. The fair market value of the Federal improvements shall be determined by an appraisal conducted by an independent third party approved by the agency and paid for by the concessionaire.

''(f) CONCESSION FEES AND FACILITY SALES PROCEEDS.—

''(1) AMOUNT.—The Secretary shall charge and collect concession fees established by bid as a percentage of the concessionaire's gross revenue from authorized activities associated with the bid.

''(2) COLLECTION AND USE OF FUNDS.—Funds collected in accordance with this subsection shall be deposited as follows—

''(A) not less than 60 percent of the amounts collected, as determined by the Secretary, into a special account in the Treasury of the United States which shall be available for expenditure by the Secretary on the unit of the National Forest System in which the fees were collected; and

''(B) the balance of the amounts collected, not distributed in accordance with subparagraph (A), into a special account in the Treasury of the United States which shall be available for expenditure by the Secretary on an agencywide basis.

''(3) AUTHORITY TO USE FUNDS.—Funds deposited pursuant to paragraph (2) shall be available without further appropriation and until expended for the purpose of increased concession opportunities, enhanced visitor services, including infrastructure at nonfee recreation facilities, facilities maintenance, project and program monitoring, environmental analysis, and environmental restoration.

''(g) BONDING.—Five years before the termination of an authorization issued under this section, the Secretary shall require bonding from the concessionaire to ensure that federally owned facilities are in satisfactory condition for future use by the Federal Government or a successor concessionaire.

''(h) REPORT TO CONGRESS.—Within four years after the date of the enactment of this section, the Secretary shall submit a report to Congress evaluating the demonstration program and providing recommendations for permanent authority to undertake a public/private venture program.

''(i) EXPIRATION OF AUTHORITY.—All activities under this section shall expire not later than the end of fiscal year 2031, except that the authority to issue new authorizations under this section shall expire at the end of fiscal year 2001.

''(j) RELATION TO OTHER LAWS.—

''(1) TREATMENT OF AMOUNTS COLLECTED.—Amounts collected under this section shall not be taken into account for the purposes of the following laws:

''(A) The sixth paragraph under the heading 'FOREST SERVICE' in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 500).

''(B) The fourteenth paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1913 (16 U.S.C. 501).

''(C) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

''(D) The Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.).

''(E) Section 6 of the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869–4).

''(F) Chapter 69 of title 31, United States Code.

''(G) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s).

''(H) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a).

''(I) Any other provision of law relating to revenue allocation.

''(2) EXEMPTION.—Activities under this section shall qualify for exemption from the Service Contract Act of 1965 (41 U.S.C. 351–358) under the authority of section 4.133(b) of title 29, Code of Federal Regulations.''.

**SEC. 155. FAIR MARKET VALUE FOR RECREATION CONCESSIONS.**

(a) DEFINITION OF RECREATION CONCESSION.—In this section, the term ''recreation concession'' means the privilege of operating a business, other than a ski area, for the provision of recreation services, facilities, or activities on National Forest System lands and waters.

(b) FEE REQUIRED.—The Secretary of Agriculture shall charge and collect fees for recreation concessions based on the fair market value of the privileges authorized.

(c) WAIVER.—The Secretary of Agriculture may waive the application of subsection (b) pursuant to such regulations as the Secretary may prescribe.

(d) COLLECTION AND USE OF FUNDS.—

(1) IN GENERAL.—Fees collected under this section shall be deposited into a special account in the Treasury of the United States.

(2) AUTHORITY TO USE FUNDS.—Funds deposited in the Treasury in accordance with paragraph (1) in excess of the amount collected for recreation concessions during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture, without further appropriation and until expended, for the purpose of increased concession opportunities, enhanced visitor services, including infrastructure at nonfee recreation facilities, facilities maintenance, project and program monitoring, interpretive programs, environmental analysis, environmental restoration, and permit administration.

**Subtitle B—Commerce**

**PART I—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NAVIGATION SERVICES FEES**

**SEC. 211. NAVIGATION SERVICES FEES.**

(a) IN GENERAL.—Beginning in fiscal year 2000 and each year thereafter, the Secretary of Commerce shall establish and adjust by regulation user fees for any navigation services provided to commercial marine operators.

(b) PUBLICATION OF SCHEDULE.—The fees established under subsection (a) shall be implemented by publication of an initial fee schedule as an interim final rule in the Federal Register not later than 150 days after the date of enactment of this section. No fee shall be collected until 30 days after the date of such publication.

(c) SUBJECT TO APPROPRIATIONS ACTS.—Fees authorized under this section shall be available for obligation only to the extent and the amount provided in advance in appropriations Acts.

(d) AUTHORIZATION OF APPROPRIATIONS.—Not to exceed $14,000,000 of offsetting collections from such user fees that are collected in a fiscal year are authorized to be appropriated, to remain available until expended, for necessary expenses associated with navigation services provided to commercial marine operators. Any fees collected in excess of such amount during any fiscal year are authorized to be appropriated for the same purposes in the next succeeding fiscal year.

**PART II—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FISHERIES MANAGEMENT FEES**

**SEC. 221. FISHERIES MANAGEMENT FEES.**

(a) IN GENERAL.—Beginning in fiscal year 2000 and each fiscal year thereafter, the Secretary of Commerce shall establish and adjust by regulation user fees associated with the United States fishing industry.

(b) CONSULTATION; PUBLICATION OF SCHEDULE.—The fees established under subsection (a) shall be established after consultation with the Congress and representatives of the fishing industry. The fees shall be implemented by publication of an initial fee schedule as an interim final rule in the Federal Register not later than 150 days after the date of enactment of this section. No fees shall be collected until 30 days after the date of such publication.

(c) SUBJECT TO APPROPRIATIONS ACTS.—Fees authorized under this section shall be available for obligation only to the extent and the amount provided in advance in appropriations Acts.

(d) AUTHORIZATION OF APPROPRIATIONS.—Not to exceed $20,000,000 of offsetting collections from such user fees that are collected in a fiscal year are authorized to be appropriated, to remain available until expended, for management and enforcement costs associated with domestic fisheries. Any fees collected in excess of such amount during any fiscal year are authorized to be appropriated for the same purposes in the next succeeding fiscal year.

**PART III—ANALOG TELEVISION SERVICE SIGNAL LEASE FEE**

**SEC. 231. ANALOG TELEVISION SERVICE SIGNAL LEASE FEE.**

The Communications Act of 1934 is amended by inserting after section 9 (47 U.S.C. 159) the following new section:

**"SEC. 9A. FEES FOR ANALOG TELEVISION LICENSES.**

''(a) IN GENERAL.—Beginning in fiscal year 2000 and thereafter, the Commission may assess and collect lease fees for each fiscal year for the use of a license for analog television service by commercial television broadcasters based on rates established by the Commission. The fees shall be used for upgrading Federal, State, and local public safety wireless communications equipment and facilities. For fiscal year 2000, the aggregate amount of such fees shall be not less than $200,000,000.

''(b) TIMING.—Payment of all fees for a fiscal year is due to the Commission no later than September 30 of such fiscal year.

''(c) RATES.—The Commission shall develop rates that reasonably can be expected to result in collection of the aggregate fee amount provided for fiscal year 2000 pursuant to subsection (d) and shall establish and apportion the fee for commercial broadcasters based upon the population covered by a broadcaster's signal, as determined by the Grade B contour as defined in section 76.683(a) of the Commission's regulations (47 CFR 73.683(a)). The rates so established and apportioned for fiscal year 2000 shall remain in effect for subsequent fiscal years until all licenses for analog television service have been returned.

''(d) COLLECTION AND DEPOSIT.—Fees authorized by this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Any fees collected shall be deposited as offsetting receipts in a separate account in the Treasury, and are authorized to be appropriated to remain available until expended.

''(e) RETURN OF ANALOG TELEVISION LICENSE.—A licensee that returns its license for analog television service to the Commission pursuant to section 309 before the first day of the fiscal year for which the fee is due shall not be required to pay the fee for such fiscal year. Fees on licenses for analog television service returned or surrendered after the first day of the fiscal year for which the fee is due shall be prorated.

''(f) ADJUSTMENT.—The Commission may waive, reduce, or defer payment of a fee in any specific instance for good cause shown, where such action would promote the public interest.

''(7) PENALTY FOR LATE PAYMENT.—The Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of fees. Such penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner.''.

**Subtitle C—Education and Labor**

**PART I—NATIONAL DIRECTORY OF NEW HIRES**

**SEC. 311. MATCHING AGAINST NDNH WITH RESPECT TO DEFAULTED LOANS AND OVERPAYMENTS OF GRANTS UNDER THE HIGHER EDUCATION ACT OF 1965.**

(a) AMENDMENT TO HIGHER EDUCATION ACT OF 1965.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by inserting after section 488A (20 U.S.C. 1095a) the following new section:

**"SEC. 488B. DATA MATCHING WITH RESPECT TO DEFAULTED LOANS AND OVERPAYMENTS OF GRANTS UNDER THIS TITLE.**

''(a) AUTHORITY TO MATCH DEBTOR INFORMATION WITH NATIONAL DIRECTORY OF NEW HIRES.—The Secretary shall furnish to the Secretary of Health and Human Services, on a quarterly basis or at such less frequent intervals as may be determined by the Secretary, information in the custody of the Secretary for comparison with information in the National Directory of New Hires established under section 453(i) of the Social Security Act, in order to obtain the information in such directory with respect to individuals who—

''(1) are borrowers of loans made under this title that are in default; or

''(2) owe an obligation to refund an overpayment of a grant awarded under this title.

''(b) REQUIREMENT TO SEEK MINIMUM INFORMATION NECESSARY.—The Secretary shall seek information from the National Directory of New Hires pursuant to this section only to the extent essential to improving collection of the debt described in subsection (a).

''(c) USE OF INFORMATION OBTAINED IN DATA MATCHES.—The Secretary may use information resulting from a data match pursuant to this section only—

''(1) for the purpose of collection of the debt described in subsection (a) owed by an individual whose annualized wage level (determined by taking into consideration information from the National Directory of New Hires) exceeds $16,000; and

''(2) after removal of personal identifiers, to conduct analyses of student loan defaults.

''(d) DISCLOSURE OF INFORMATION OBTAINED IN DATA MATCHES.—

''(1) DISCLOSURES PERMITTED.—The Secretary may disclose information resulting from a data match pursuant to this section only to—

''(A) a guaranty agency holding a loan made under part B on which the individual is obligated;

''(B) a contractor or agent of the guaranty agency described in subparagraph (A);

''(C) a contractor or agent of the Secretary; and

''(D) the Attorney General.

''(2) PURPOSE OF DISCLOSURE.—The Secretary may make a disclosure under paragraph (1) only for the purpose of collection of the debts owed on defaulted student loans, or overpayments of grants, made under this title.

''(3) RESTRICTION OF REDISCLOSURE.—An entity to which information is disclosed under paragraph (1) may use or disclose such information only as needed for the purpose of collecting on defaulted student loans, or overpayments of grants, made under this title.

''(4) PENALTIES FOR MISUSE.—The use or disclosure of such information by an officer or employee of the United States, a guaranty agency, or a contractor or agent in violation of this section shall be subject to the civil remedies and criminal penalties set forth in section 552a(i) of title 5, United States Code.

''(e) PAYMENT OF COSTS OF DATA MATCHES.—

''(1) REIMBURSEMENT OF HHS COSTS.—The Secretary shall reimburse the Secretary of Health and Human Services, in accordance with section 453(k)(3) of the Social Security Act, for the additional costs incurred by the Secretary of Health and Human Services in furnishing the information requested under this section.

''(2) FEES CHARGED TO GUARANTY AGENCIES.—The Secretary may impose fees on guaranty agencies for information disclosed in accordance with subsection (d), based on the reasonable costs to the Secretary of obtaining such information through data matches under this section. Amounts derived from such fees shall be available for payment to the Secretary of Health and Human Services pursuant to paragraph (1). Fees authorized under this paragraph shall be available

for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended.''.

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—

(1) MATCHING AND DISCLOSURE AUTHORITY.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following new paragraph:

''(6) INFORMATION COMPARISONS AND DISCLOSURE FOR ENFORCEMENT OF OBLIGATIONS ON HIGHER EDUCATION ACT LOANS AND GRANTS.—

''(A) IN GENERAL.—The Secretary, in cooperation with the Secretary of Education, shall compare information in the National Directory of New Hires with information in the custody of the Secretary of Education, and disclose information in that Directory to the Secretary of Education, in accordance with section 488B of the Higher Education Act of 1965, for the purposes specified in such section.

''(B) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with subparagraph (A) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part. Support collection under section 466(b) shall be given priority over collection of any defaulted student loan or grant overpayment against the same income.''.

(2) PENALTY FOR MISUSE OF INFORMATION.—Section 402(a) of the Child Support Performance and Incentive Act of 1998 (112 Stat. 669) is amended in the matter added by paragraph (2) by inserting ''or any other person'' after ''officer or employee of the United States''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

## PART II—RECALL OF FEDERAL RESERVES HELD BY GUARANTY AGENCIES

### SEC. 321. RECALL OF RESERVES IN FISCAL YEARS 2000 THROUGH 2004.

(a) SECRETARY REQUIRED TO RECALL RESERVES.—Section 422 of the Higher Education Act of 1965 (20 U.S.C. 1072) is amended by adding at the end thereof the following new subsection:

''(j) RECALL OF RESERVES IN FISCAL YEARS 2000 THROUGH 2004.—

''(1) RECALL REQUIRED.—

''(A) AMOUNTS REQUIRED.—Notwithstanding any other provision of law, the Secretary shall, except as otherwise provided in this subsection and in addition to the recalls required under subsections (h) and (i), recall from the Federal Student Loan Reserve Funds held by guaranty agencies under section 422A not less than—

''(i) $788,000,000 in fiscal year 2000;

''(ii) $234,000,000 in fiscal year 2001;

''(iii) $262,000,000 in fiscal year 2002;

''(iv) $159,000,000 in fiscal year 2003; and

''(v) $65,000,000 in fiscal year 2004.

''(B) DEPOSIT.—Funds returned to the Secretary under this subsection shall be deposited in the Treasury.

''(2) APPORTIONMENTS OF RECALLS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), for each of the fiscal years 2000 through 2004, the Secretary shall require each guaranty agency to return reserve funds under subparagraph (A) based on its proportionate share, as determined by the Secretary, of all reserve funds held by guaranty agencies in the Federal Student Loan Reserve Funds as of September 30 of the fiscal year preceding each such fiscal year.

''(B) LIMITATIONS ON RECALLS.—(i) If a guaranty agency has not returned to the Secretary its share of reserve funds for a fiscal year in which reserves are to be recalled under paragraph (1)(A) by September 1 of that fiscal year and the total amount recalled for that fiscal year is less than the amount the Secretary is required to recall under that paragraph in that fiscal year, the Secretary shall require the return of the amount of the shortage from other Federal Student Loan Reserve Funds held by any or all guaranty agencies under section 422A under procedures established by the Secretary.

''(ii) The Secretary shall first attempt to obtain the amount of such shortage from each guaranty agency that failed to return the agency's required share to the Secretary in accordance with this subsection.

''(3) ADMINISTRATIVE AUTHORITY.—

''(A) IN GENERAL.—The Secretary may take such reasonable measures, and require such information, as may be necessary to ensure that guaranty agencies comply with the requirements of this subsection.

''(B) WITHHOLDING OF OTHER FUNDS.—If the Secretary determines that a guaranty agency has failed to transfer to the Secretary any portion of the agency's required share under this subsection, the agency may not receive any other funds under this part until the Secretary determines that the agency has so transferred the agency's required share.

''(C) WAIVER.—The Secretary may waive the requirements of subparagraph (B) if the Secretary determines that there are extenuating circumstances beyond the control of the guaranty agency that justify such waiver.

''(4) DEFINITION.—For purposes of this subsection, the term 'reserve funds' has the meaning given in subsection (h)(8)(B).''.

(b) CONFORMING AMENDMENTS.—Section 422A(f) of the Higher Education Act of 1965 (20 U.S.C. 1072a(f)) is amended—

(1) in the fourth sentence of paragraph (1), by striking ''subsections (h) and (i)'' and inserting ''subsections (h), (i), and (j)'';

(2) in the first sentence of paragraph (3)—

(A) by striking ''the fourth year'' and inserting ''the sixth year''; and

(B) by striking ''not later than 5 years'' and inserting ''not later than 7 years'';

(3) by striking paragraphs (6) and (8); and

(4) by redesignating paragraph (7) as paragraph (6).

(c) ADDITIONAL SAVINGS.—

(1) PAYMENTS FOR DEFAULT CLAIMS.—Section 428(c) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)) is amended—

(A) in the heading thereof, by striking ''REIMBURSING LOSSES.—'' and inserting ''PAYING LENDER DEFAULT CLAIMS.—'';

(B) in paragraph (1)(A)—

(i) in the first sentence thereof, by striking ''reimburse'' and inserting ''pay'';

(ii) by striking ''reimbursement'' each place it appears and inserting ''payment''; and

(iii) in the fifth sentence thereof, by striking ''within 45 days'' through the end of such sentence and inserting ''at such time as may be specified by the Secretary.'';

(C) in paragraph (1)(B)—

(i) in clause (i)—

(I) by striking ''reimbursement payments'' and inserting ''payments''; and

(II) by striking ''paid as reimbursement'' and inserting ''paid''; and

(ii) in clause (ii)—

(I) by striking ''reimbursement payments'' and inserting ''payments''; and

(II) by striking ''paid as reimbursement'' and inserting ''paid'';

(D) in paragraph (1)(D), by striking ''Reimbursements of losses made by the Secretary'' and inserting ''Payments made by the Secretary under this subsection'';

(E) in paragraph (1)(G), by striking ''reimbursement'';

(F) in paragraph (2)(G), by striking ''reimbursement'' each place it appears and inserting ''payment'';

(G) in paragraph (9)—

(i) in the heading thereof, by striking ''RESERVE LEVEL.—'' and inserting ''ADMINISTRATIVE AND FINANCIAL CONDITION.—'';

(ii) by striking subparagraph (A);

(iii) in subparagraph (C)—

(I) by striking clause (i);

(II) in clause (ii), by striking ''reimbursement payments'' and inserting ''default claim payments under paragraph (1)''; and

(III) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(iv) by redesignating subparagraphs (B) through (K) as subparagraphs (A) through (J), respectively; and

(H) by adding at the end thereof the following new paragraph:

''(10) Notwithstanding any provision of the Fair Debt Collection Practices Act, a nonprofit guaranty agency shall not be subject to the requirements of that Act to the extent that it is carrying out due diligence activities required by the Secretary.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 428C(a)(2) (20 U.S.C. 1078–3(a)(2)) is amended by striking ''reimbursements'' and inserting ''payments''.

(B) Section 428F(a) (20 U.S.C. 1078–6(a)) is amended—

(i) in paragraph (1)(B)(ii)(I), by striking ''reimburse'' and inserting ''pay''; and

(ii) in paragraph (2), by striking ''reimbursement'' and inserting ''payment''.

(C) Section 428I(e) (20 U.S.C. 1078–9(e)) is amended by striking ''reimbursements'' and inserting ''payments''.

(D) Section 432(c)(1)(A)(ii) (20 U.S.C. 1082(c)(1)(A)(ii) is amended by striking ''defaults reimbursed'' and inserting ''default claims paid''.

(E) Section 438(b)(2)(B) (20 U.S.C. 1087–1(b)(2)(B)) is amended—

(i) in clause (i), by striking ''reimbursements'' and inserting ''claim payments''; and

(ii) in clause (iv), by striking ''reimbursements'' and inserting ''claim payments''.

(F) Section 488A(a) (20 U.S.C. 1095a(a)) is amended, in the matter preceding paragraph (1) by striking ''reimbursement'' and inserting ''payment''.

(c) FLEXIBLE AGREEMENTS.—Section 428A(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1072a(a)(3)) is amended to read as follows:

''(3) ELIGIBILITY.—Beginning in fiscal year 1999, the Secretary may enter into a voluntary, flexible agreement with any guaranty agency that had one or more agreements with the Secretary under subsections (b) and (c) of section 428 as of the day before the date of enactment of the Higher Education Amendments of 1998.''.

## PART III—EMPLOYER TAX CREDIT USER FEES

### SEC. 331. WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT USER FEES.

(a) ESTABLISHMENT.—Subject to subsection (e), the Secretary of Labor is authorized to impose a fee on employers submitting applications for certification of individuals as members of target groups under section 51(d)(12) of the Internal Revenue Code of 1986 (26 U.S.C. 51(d)(12)) and categories of long-term family assistance recipients under section 51A(d)(1) of such Code (26 U.S.C. 51A(d)(1)), relating to the Work Opportunity Credit and the Welfare-to-Work Credit, respectively. The fees imposed under this section shall not be paid, directly or indirectly, by the individual who is the subject of the certification.

(b) AMOUNT OF FEE.—The amount of the fee imposed under this section shall be determined by the Secretary of Labor based on

the Secretary's estimate of the amounts needed to fully fund the costs of administering the requirements relating to the certification of individuals under sections 51 and 51A of the Internal Revenue Code of 1986 (26 U.S.C. 51 and 51A). The Secretary of Labor shall establish a fee for employers with fewer than 100 employees at an amount that is less than the fee established for employers with 100 or more employees.

(c) COLLECTION AND DEPOSIT.—The fees imposed under this section shall be collected by the Secretary of Labor through the designated local agency specified in section 51(d)(11) of the Internal Revenue Code of 1986 (26 U.S.C. 51(d)(11)) and deposited as offsetting receipts in the State Unemployment Insurance and Employment Service Operations account of the Treasury of the United States.

(d) USE OF FUNDS.—The funds deposited pursuant to subsection (c) shall be available to the Secretary of Labor to pay the costs of administering the requirements relating to the certification of individuals under sections 51 and 51A of the Internal Revenue Code of 1986 (26 U.S.C. 51 and 51A). The Secretary of Labor shall allocate the funds among the States based on the relative workload of the States in processing the certifications.

(e) APPROPRIATIONS ACTION REQUIRED.—The fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations acts. The fees are authorized to be appropriated to remain available until expended.

## Subtitle D—Natural Resource, Energy, and Environment

## PART I—NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES

### SEC. 411. NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES.

Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(a)(3)) is amended by striking ''September 30, 1998'' and inserting ''September 30, 2004''.

## PART II—FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT FEES

### SEC. 421. FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT FEES.

Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a) is amended by adding at the end thereof the following new subsection:

''(i) FEES.—

''(1) Subject to paragraph (4), the Administrator is authorized to assess fees from applicants for registrations and amendments to registrations under this section and experimental use permits under section 5 effective October 1, 1999.

''(2) Such fees shall be reasonably calculated to cover costs associated with the review of such applications, and shall be paid at the time of application, unless otherwise specified by the Administrator. If any fee is not paid by the time prescribed, the Administrator may, by order and without a hearing, deny the application. The Administrator may reduce or waive any fee that would otherwise be assessed—

''(A) in connection with an application for an active ingredient that is contained only in pesticides for which registration is sought solely for agricultural or nonagricultural minor uses; or

''(B) in such other instances as the Administrator determines to be in the public interest.

''(3) Fees collected under this subsection shall be deposited in a special fund for environmental services in the United States Treasury.

''(4) Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended, to carry out the Agency's activities under sections 3 and 5 for which the fees were collected.''.

### SEC. 422. CONFORMING AMENDMENT.

Section 4(i) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136b(i)) is amended—

(1) by striking paragraph (6); and

(2) by renumbering paragraph (7) as paragraph (6).

## PART III—TOXIC SUBSTANCES CONTROL ACT FEES

### SEC. 431. TOXIC SUBSTANCES CONTROL ACT FEES.

Section 26(b) of the Toxic Substances Control Act (15 U.S.C. 2625(b)) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

''(b) FEES.—The Administrator is authorized, by rule, to collect a reasonable fee from any person required to submit data under section 4 or 5 to defray the cost of administering this Act. In setting a fee under this paragraph the Administrator shall take into account the ability to pay of the person required to submit the data and the cost to the Administrator of reviewing such data. Such rules may provide for sharing such a fee in any case in which the expenses of testing are shared under section 4 or 5.''.

(2) By adding at the end thereof the following 2 paragraphs:

''(3) Fees collected under this subsection shall be deposited in a special fund for environmental services in the United States Treasury.

''(4) Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended, to carry out the Agency's activities under sections 4 and 5 for which the fees were collected.''.

## Subtitle E—Revenue

## PART I—REINSTATE SUPERFUND TAXES

### SEC. 511. EXTENSION OF HAZARDOUS SUBSTANCE SUPERFUND TAXES.

(a) EXTENSION OF TAXES.—

(1) ENVIRONMENTAL TAX.—Section 59A(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(e) APPLICATION OF TAX.—The tax imposed by this section shall apply to—

''(1) taxable years beginning after December 31, 1986, and before January 1, 1996, and

''(2) taxable years beginning after December 31, 1998, and before January 1, 2010.''

(2) EXCISE TAXES.—Section 4611(e) of such Code is amended to read as follows:

''(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply—

''(1) after December 31, 1986, and before January 1, 1996, and

''(2) after the date of the enactment of this paragraph and before October 1, 2009.''

(b) EFFECTIVE DATES.—

(1) INCOME TAX.—The amendment made by subsection (a)(1) shall apply to taxable years beginning after December 31, 1998.

(2) EXCISE TAX.—The amendment made by subsection (a)(2) shall take effect on the date of the enactment of this Act.

## PART II—TOBACCO EXCISE TAXES

### SEC. 521. INCREASE IN EXCISE TAXES ON TOBACCO PRODUCTS.

(a) IN GENERAL.—Section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on tobacco products), as amended by the Balanced Budget Act of 1997, is amended to read as follows:

### ''SEC. 5701. RATE OF TAX.

''(a) CIGARS.—On cigars, manufactured in or imported into the United States, there shall be imposed the following taxes:

''(1) SMALL CIGARS.—On cigars, weighing not more than 3 pounds per thousand, $4.406 per thousand.

''(2) LARGE CIGARS.—On cigars weighing more than 3 pounds per thousand, a tax equal to 49.99 percent of the price for which sold but not more than $98.75 per thousand.

Cigars not exempt from tax under this chapter which are removed but not intended for sale shall be taxed at the same rate as similar cigars removed for sale.

''(b) CIGARETTES.—On cigarettes, manufactured in or imported into the United States, there shall be imposed the following taxes:

''(1) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, $47.00 per thousand.

''(2) LARGE CIGARETTES.—On cigarettes, weighing more than 3 pounds per thousand, $98.70 per thousand.

Cigarettes described in paragraph (2), if more than 6½ inches in length, shall be taxable at the rate under paragraph (1) by treating each 2¾ inches (or fraction thereof) of the length of each as 1 cigarette.

''(c) CIGARETTE PAPERS.—On cigarette papers, manufactured in or imported into the United States, there shall be imposed a tax of 2.9 cents for each 50 papers or fractional part thereof; except that cigarette papers which measure more than 6½ inches in length shall be taxable at the rate prescribed by treating each 2¾ inches (or fraction thereof) of the length of each as 1 cigarette paper.

''(d) CIGARETTE TUBES.—On cigarette tubes, manufactured in or imported into the United States, there shall be imposed a tax of 5.9 cents for each 50 tubes or fractional part thereof; except that cigarette tubes which measure more than 6½ inches in length shall be taxable at the rate prescribed by treating each 2¾ inches (or fraction thereof) of the length of each as 1 cigarette tube.

''(e) SMOKELESS TOBACCO.—

''(1) SNUFF.—On snuff, manufactured in or imported into the United States, there shall be imposed a tax of $1.41 per pound (and a proportionate tax at the like rate on all fractional parts of a pound).

''(2) CHEWING TOBACCO.—On chewing tobacco, manufactured in or imported into the United States, there shall be imposed a tax of 47 cents (and a proportionate tax at the like rate on all fractional parts of a pound).

''(f) PIPE TOBACCO.—On pipe tobacco, manufactured in or imported into the United States, there shall be imposed a tax of $2.64 per pound (and a proportionate tax at the like rate on all fractional parts of a pound).

''(g) ROLL-YOUR-OWN TOBACCO.—On roll-your-own tobacco, manufactured in or imported into the United States, there shall be imposed a tax $2.64 per pound (and a proportionate tax at the like rate on all fractional parts of a pound).

''(h) IMPORTED TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES.—The taxes imposed by this section on tobacco products and cigarette papers and tubes imported into the United States shall be in addition to any import duties imposed on such articles, unless such import duties are imposed in lieu of internal revenue tax.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

(c) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products and cigarette papers and tubes manufactured in or imported into the United States

which are removed before October 1, 1999, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) AUTHORITY TO EXEMPT CIGARETTES HELD IN VENDING MACHINES.—To the extent provided in regulations prescribed by the Secretary, no tax shall be imposed by paragraph (1) on cigarettes held for retail sale on October, 1, 1999, by any person in any vending machine. If the Secretary provides such a benefit with respect to any person, the Secretary may reduce the $500 amount in paragraph (3) with respect to such person.

(3) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) for which such person is liable.

(4) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigarettes on October, 1, 1999, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 1, 2000.

(5) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) and any other provision of law, any article which is located in a foreign trade zone on October 1, 1999, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of a customs officer pursuant to the 2d proviso of such section 3(a).

(6) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Terms used in this subsection which are also used in section 5702 of the Internal Revenue Code of 1986 shall have the respective meanings such terms have in such section, as amended by this Act.

(B) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(7) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(8) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

**SEC. 522. MODIFICATION OF DEPOSIT REQUIREMENT.**

(a) IN GENERAL.—Paragraph (1) of section 6302(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This paragraph shall not apply to 1999 with respect to taxes imposed by chapters 51 and 52.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

## PART III—CUSTOMS ACCESS FEE

**SEC. 531. CUSTOMS ACCESS FEE.**

(a) CUSTOMS ACCESS FEE.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended as follows:

(1) Subsection (a) is amended by adding at the end the following new paragraph:

''(11)(A) For the use of any automated system of the Customs Service for processing commercial operations, the Secretary of the Treasury shall assess a fee based on the volume of usage of the system.

''(B) The Secretary shall publish in the Federal Register a notice establishing the fee under this paragraph to ensure collection in each fiscal year of the amount appropriated for that fiscal year for the cost of modernizing automated commercial operations of the Customs Service and of deploying the International Trade Data System.''.

(2) Subsection (b) is amended by adding at the end the following new paragraph:

''(12) No fee may be charged to a Federal agency under subsection (a)(11).''.

(3) Subsection (d) is amended by adding at the end the following new paragraph:

''(5) The Customs Service shall issue bills on a monthly basis for the fee charged under subsection (a)(11).''.

(4) Subsection (f)(1) is amended by adding at the end the following:

''The fees authorized under subsection (a)(11) shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts for the costs of modernizing the automated commercial operations of the Customs Service and of deploying the International Trade Data System. The fees authorized under subsection (a)(11) shall be adjusted accordingly and are authorized to remain available until expended.''.

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

## PART IV—CUSTOMS AIR AND SEA PASSENGER PROCESSING FEE AMENDMENTS

**SEC. 541. CUSTOMS PASSENGER AND CARGO FEE.**

Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.58c) is amended as follows:

(1) Subsection (a)(5) is amended to read as follows:

''(5)(A) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A)(i), $1.75.

''(B) Subject to subsection (f)(5), for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States, $6.40, except that—

''(i) the exemptions under clauses (i) and (iv) of subsection (b)(1)(A) shall not apply; and

''(ii) the exemption under clause (iii) of subsection (b)(1)(A) shall not apply, except to the arrival of a ferry which began operating on or before January 1, 1999.''.

(2) Subsection (b)(1) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''(a)(5)(B)'' and inserting ''(a)(5)''; and

(B) by striking subparagraph (C).

(3) Subsection (f) is amended—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively;

(ii) by inserting after subparagraph (A) the following:

''(B) Notwithstanding subparagraph (A) and subject to paragraph (5), the Secretary of the Treasury is authorized to reimburse directly from the fees collected under paragraph (5)(B) of subsection (a), the Customs 'Salaries and Expenses' appropriation for the costs incurred by the Secretary for inspectional services, to the following extent:

''(i) Each fee ($6.40) collected pursuant to paragraph (5)(B) of subsection (a) for services in connection with the arrival of each passenger exempt, before the enactment of the Discretionary Spending Offsets Act for Fiscal Year 2000, from paying a fee under clause (i), (iii), or (iv) of subsection (b)(1)(A), except for the arrival of any passenger on a ferry which began operating on or before January 1, 1999.

''(ii) $1.40 of each fee collected pursuant to paragraph (5)(B) of subsection (a) for services in connection with the arrival of all other passengers.''; and

(iii) by striking the last sentence of subparagraph (A); and

(B) by amending paragraph (5) to read as follows:

''(5) Of the fees charged under paragraph (5)(B) of subsection (a), the amount specified under paragraph (3)(B) of this subsection for reimbursement shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees shall apply to documents or tickets issued on or after the 30th day following the enactment of the applicable appropriations Act. Such fees are authorized to remain available until expended.''.

## PART V—HARBOR SERVICES USER FEE

**SEC. 551. HARBOR SERVICES FEE.**

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, shall impose a fee on the owners or operators of commercial vessels for services provided for the use of ports.

(b) AMOUNT OF FEE.—

(1) INDIVIDUAL FEES.—The amount of the fee imposed under subsection (a) shall be based on vessel category and vessel capacity unit in accordance with the following:

(A) Bulkers, $0.12 per vessel capacity unit.

(B) Tankers, $0.28 per vessel capacity unit.

(C) General cargo vessels, $2.74 per vessel capacity unit.

(D) Cruise vessels, $0.12 per vessel capacity unit.

(2) TOTAL FEES.—The aggregate amount of fees imposed under subsection (a) in any fiscal year shall be sufficient to pay the projected total expenditures of the Department of the Army, subject to appropriations, for harbor development, operation, and maintenance for a fiscal year. If amounts appropriated in any fiscal year are less than the amount collected in fees for the prior fiscal year, then the rate of the fee for each vessel category shall be reduced in the year of the appropriation so as to result in collections not exceeding the total amount appropriated from the Harbor Services Fund for that fiscal year.

(c) IMPOSITION OF FEES.—Fees imposed under subsection (a) shall be imposed on a voyage basis for commercial vessels and shall be payable by the operator of a commercial vessel upon the first port use by a vessel entering a United States port from a foreign port or at the originating port for domestic voyages.

(d) AVAILABILITY OF FEES.—Fees imposed under subsection (a) in any fiscal year shall be available for obligation in the following fiscal year only to the extent and in the amount provided in advance in the appropriations Act for such fiscal year. Such fees are authorized to be appropriated to remain available until expended.

(e) EXEMPTIONS.—No fee shall be imposed under subsection (a) for port use—

(1) by the United States or any agency or instrumentality of the United States;

(2) in connection with intraport movements;

(3) in connection with transporting commercial cargo from the United States mainland to Alaska, Hawaii, or any possession of the United States;

(4) in connection with transporting commercial cargo from Alaska, Hawaii, or any possession of the United States to the United States mainland, Alaska, Hawaii, or such possession for ultimate use or consumption in the United States mainland, Alaska, Hawaii, or such a possession;

(5) in connection with transporting commercial cargo within Alaska, Hawaii, or a possession of the United States; or

(6) in connection with transporting passengers on vessels, documented under the laws of the United States, operating solely within the States of Alaska or Hawaii and adjacent international waters.

(f) REGULATIONS OF THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall be responsible for prescribing regulations—

(1) providing for the manner and method of payment and collection of the fees imposed under this section;

(2) providing for the posting of bonds to secure payment of such fees; and

(3) exempting any transaction or class of transactions from such fees where the collection of such fees is not administratively practical.

(g) REGULATIONS OF THE SECRETARY OF THE ARMY.—The Secretary of the Army shall be responsible for prescribing regulations—

(1) providing for the remittance or mitigation of penalties and the settlement or compromise of claims with respect to fees imposed under this section;

(2) providing for a period review of amounts collected under this section to ensure that the fees charged fairly approximate the cost of services provided to commercial vessels for port use;

(3) providing for the prospective adjustment of the rate of the fees imposed under this section for any one or more of the bulker, tanker, or cruise vessel categories by up to $0.05, or, in the case of the general cargo vessel category, by up to $0.25, as necessary to fairly approximate the cost of services provided to commercial vessels in each vessel category; and

(4) such other regulations as may be necessary to carry out the purposes of this part.

**SEC. 552. HARBOR SERVICES FUND.**

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a Harbor Services Fund (hereinafter in this section referred to as ''the Fund'') into which shall be deposited as offsetting receipts all fees collected under section 551 and to which shall be transferred balances in the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986 (26 U.S.C. 9505).

(b) PURPOSES.—

(1) IN GENERAL.— Subject to subsection (c), amounts in the Fund may be made available for each fiscal year to pay—

(A) 100 percent of the eligible harbor development costs;

(B) 100 percent of the eligible operations and maintenance costs assigned to commercial navigation of all ports within the United States; and

(C) 100 percent of the eligible costs of maintaining the Federal dredging capability for the Nation.

(2) ADDITIONAL PURPOSES.—In addition to the purposes set forth in paragraph (1) of this subsection, an amount of up to $100,000,000 per fiscal year is authorized to be appropriated from the Fund for dredging of berthing areas and construction and maintenance of bulkheads associated with a federally authorized project and for all or a portion of the non-Federal share of project costs of an eligible non-Federal interest participating in the construction, operating, or maintenance of a federally authorized project.

(c) EXPENDITURES FROM HARBOR SERVICES FUND.—

(1) IN GENERAL.— Except as provided in paragraph (2), amounts in the Fund shall be available, as provided in advance in appropriation Acts, to carry out subsection (b) and for the payment of expenses incurred in administering the fee imposed by section 551. Such amounts are authorized to be appropriated to remain available until expended.

(2) ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—From the balances transferred to the Harbor Services Fund pursuant to subsection (a), such sums as may be necessary are hereby reserved to implement legislation to be enacted to establish the Saint Lawrence Seaway Development Corporation as a Performance Based Organization.

**SEC. 553. CONFORMING AMENDMENTS.**

(a) WATER RESOURCES DEVELOPMENT ACT OF 1986.—Upon enactment of an appropriation Act for fiscal year 2000 authorizing the collection of fees pursuant to section 551(d), section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) shall no longer have effect.

(b) INTERNAL REVENUE CODE OF 1986.—Upon enactment of an appropriation Act for fiscal year 2000 authorizing the collection of fees pursuant to section 551(d), sections 4461 and 4462 of the Internal Revenue Code of 1986 (26 U.S.C. 4461, 4462) shall no longer have effect.

**SEC. 554. DEFINITIONS.**

In this part:

(1) The term ''bulker'' means a waterborne vessel designed to transport dry bulk cargo, including self-propelled vessels and nonself-propelled vessels.

(2) The term ''commercial cargo'' means any cargo transported on a commercial vessel, except that the term does not include bunker fuel, ship's stores, sea stores, or equipment necessary to the operation of a vessel, or fish or other aquatic animal life caught and not previously landed on shore, and for purposes of paragraphs (3), (4), and (5) of section 551(d), such term shall not include crude oil with respect to Alaska.

(3) The term ''commercial vessel'' means any vessel in excess of 3,000 gross registered tons used in transporting cargo or passengers by water for compensation or hire, or in transporting cargo by water in the business of the owner, lessee, or operator of the vessel, exceppt that such term shall not include any ferry engaged primarily in the ferrying of passengers (including their vehicles) between points within the United States, or between the United States and contiguous countries.

(4) The term ''eligible harbor development costs'' means the Federal share of the costs associated with construction of the general navigation features at a harbor or inland harbor within the United States.

(5) The term ''eligible non-Federal interest'' means a non-Federal interest for a federally authorized navigation project at a port where the average amount of the harbor service fee collected over 3 consecutive fiscal years exceeds the average Federal expenditures from the Harbor Services Fund at that port during the same consecutive fiscal years by $10,000,000.

(6) The term ''ferry'' means any vessel which arrives in United States on a regular schedule during its operating season at intervals of at least once each business day.

(7) The term ''general cargo vessel'' means a waterborne vessel designed to transport general cargo.

(12) The term ''cruise vessel'' means a waterborne vessel designed to transport fare paying, berthed passengers.

(8) The term ''port'' means any channel or harbor (or component thereof) in the United States which is not an inland waterway and which is open to public navigation, except that such term shall not include any channel or harbor with respect to which no Federal funds have been used since 1989 for construction, operation, or maintenance, or which was deauthorized by Federal law before 1997 or to any channel or harbor where commercial vessels cannot loan or unload cargo or passengers.

(9) The term ''port use'' means the use of a channel by a commercial vessel for entering and exiting a port for commercial purposes.

(10) The term ''tanker'' means a waterborne vessel designed to transport liquid bulk cargo, including self-propelled vessels and nonself-propelled vessels.

(11) The term ''United States mainland'' means the contiguous 48 States.

(12) The term 'vessel capacity unit'' means the unit measure of vessel capacity represented by net tonnage, or, in the case of containerships or cruise vessels, gross tonnage.

**SEC. 555. EFFECTIVE DATE.**

The fees imposed under section 551(a) shall take effect on October 1, 1999.

## Subtitle F—Human Services

## PART I—TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AMENDMENTS

**SEC. 611. FY 2000 STATE TANF SUPPLEMENTAL GRANT LIMITED TO AMOUNT OF GRANT FOR FY 1999.**

(a) IN GENERAL.—Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii)—

(i) by striking ''each of fiscal years 1999, 2000, 2001'' and inserting ''fiscal year 1999''; and

(ii) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) for fiscal year 2000, a grant in an amount equal to the amount of the grant to the State under clause (ii) for fiscal year 1999; and

''(iv) for fiscal year 2001, a grant in the amount that would be determined pursuant to clause (ii) if the grant for fiscal year 2000 had been determined pursuant to former clause (ii) (as in effect during fiscal year 1999).''; and

(2) in subparagraph (B), by striking ''subparagraph (A)(ii)'' and inserting ''clause (ii), (iii), or (iv) of subparagraph (A)''.

## PART II—TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CONTINGENCY FUND

**SEC. 621. DEPOSITS INTO FUND.**

Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by striking ''in a total amount not to exceed $2,000,000,000''.

**SEC. 622. STATE ELIGIBILITY FOR GRANTS; ELIMINATION OF EXTRA MONTH OF ELIGIBILITY.**

Section 403(b)94) of the Social Security Act (42 U.S.C. 603(b)(4) is amended by striking ''in the 2-month period that begins with any month for which'' and inserting ''in which''.

**SEC. 623. ANNUAL RECONCILIATION.**

(a) REVISION OF REMITTANCE ADJUSTMENT FORMULA FACTOR BASED ON NUMBER OF MONTHS STATE WAS A NEEDY STATE.—Section 403(b)(6)(A)(ii)(III) of the Social Security

Act (42 U.S.C. 603(b)(6)(A)(ii)(III)) is amended by striking ''1/12 times the number of months'' and inserting ''if the State was a needy State for less than 6 months in the fiscal year, 1/6 times the number of months''.

(b) REPEAL OF ADJUSTMENT OF STATE REMITTANCES FOR FISCAL YEARS 2000 AND 2001 ENACTED IN ADOPTION AND SAFE FAMILIES ACT OF 1997.—Section 403(b)(6)(C)(ii) of such Act (42 U.S.C. 603(b)(6)(C)(ii)) is amended—

(1) in subclause (I), by adding ''and'' at the end;

(2) in subclause (II), by striking the semicolon and inserting a period; and

(3) by striking subclauses (III) and (IV).

(c) STATE WITH SUBSTANTIAL UNOBLIGATED GRANTS REQUIRED TO RETURN ALL CONTINGENCY FUND GRANTS.—Section 403(b)(6) of such Act (42 U.S.C. 603(b)(6)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by inserting ''the amount specified in subparagraph (D), if applicable, and otherwise'' after ''is not a needy State''; and

(2) by adding at the end the following:

''(D) FULL REPAYMENT REQUIRED IF STATE HAS SUBSTANTIAL FUNDS UNOBLIGATED.—A State shall remit to the Secretary, as provided in subparagraph (A), the entire payment made under this subsection for a fiscal year if the State fails to obligate, on or before the last day of the fiscal year—

''(i) 90 percent of all grants under subsection (a)(1) to which the State is entitled for the fiscal year; and

''(ii) all grants received under subsection (a) for prior fiscal years.''.

**SEC. 624. EFFECTIVE DATE.**

The amendments made by this part shall be effective with respect to fiscal year 2000 and succeeding fiscal years.

## Subtitle G—Health Care

## PART I—MEDICARE SAVERS

**SEC. 711. REFERENCES IN PART.**

Except as otherwise provided in this part, references to a section or other provision of law are references to the Social Security Act, and amendments made by this part to a section or other provision of law are amendments to such section or other provision of that Act.

**SEC. 712. REDUCTION OF CLINICAL DIAGNOSTIC LABORATORY TEST CAP FROM 74 PERCENT TO 72 PERCENT.**

Section 1833(h)(4)(B) (42 U.S.C. 13951(h)(4)(B)) is amended—

(1) by striking ''and'' at the end of clause (vii);

(2) in clause (viii)—

(A) by inserting ''and before January 1, 2000,'' after ''December 31, 1997,''; and

(B) by striking the period and inserting '', and''; and

(3) by adding at the end the following new clause:

''(ix) after December 31, 1999, is equal to 72 percent of such median.''.

**SEC. 713. ESTABLISHMENT OF NATIONAL LIMIT ON PAYMENTS FOR PROSTHETICS AND ORTHOTICS.**

Section 1834(h) (42 U.S.C. 1395m(h)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)(ii), by inserting ''or (3), as applicable,'' after ''paragraph (2)''; and

(B) in subparagraph (E)—

(i) in the heading, by inserting before the period ''FOR ITEMS FURNISHED BEFORE 2000''; and

(ii) by striking ''Payment for'' and inserting ''For items furnished before 2000, payment for'';

(2) in paragraph (2)—

(A) in the heading, by inserting before the period ''FOR ITEMS FURNISHED BEFORE 2000'';

(B) in the matter preceding subparagraph (A), by striking ''For purposes of'' and inserting ''For items furnished before 2000, for purposes of'';

(C) in subparagraph (B)(ii), by striking ''for each subsequent year'' and inserting ''for each of 1993 through 1999'';

(D) in subparagraph (C)—

(i) in the heading, by inserting before the period ''FOR ITEMS FURNISHED BEFORE 2000'';

(ii) in the matter preceding clause (i), by striking ''For purposes of'' and inserting ''For items furnished before 2000, for purposes of''; and

(iii) in clause (iv), by striking ''1994 or a subsequent year'' and inserting ''each of 1994 through 1999''; and

(E) in subparagraph (D)(ii), by striking ''in a subsequent year'' and inserting ''in each of 1993 through 1999'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

''(3) PURCHASE PRICE RECOGNIZED FOR 2000 AND SUBSEQUENT YEARS.—For 2000 and each subsequent year, for purposes of paragraph (1), the amount recognized under this paragraph as the purchase price for prosthetic devices, orthotics, and prosthetics is the national limited payment amount for purchase of the item for that year determined in accordance with subparagraphs (B) and (C) of section 1834(a)(2).''; and

(5) in paragraph (5)(A), as so redesignated—

(A) by adding ''and'' at the end of clause (iv);

(B) by amending clause (v) to read as follows:

''(v) for 1998 and 1999, 1 percent.''; and

(C) by striking clause (vi).

**SEC. 714. REDUCTION IN PAYMENT FOR BAD DEBTS.**

(a) REDUCTION IN PAYMENT FOR HOSPITAL BAD DEBTS.—Section 1861(v)(1)(T)(iii) (42 U.S.C. 1395x(v)(1)(T)(iii)) is amended by striking ''45 percent'' and inserting ''55 percent''.

(b) EXTENSION OF BAD DEBT PAYMENT LIMITATION TO OTHER RELEVANT FACILITIES AND PROVIDERS OF SERVICES.—Section 1861(v)(1)(T) (42 U.S.C. 1395x(v)(1)(T)), as amended by subsection (a), is further amended—

(1) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by inserting ''(i)'' after ''(T)''; and

(3) by adding at the end the following new clause:

''(ii) In determining such reasonable or allowable costs for all facilities or other providers of services entitled to claim bad debt reimbursement, the amount of bad debts treated as allowable costs which are attributable to the deductibles and coinsurance amounts under this title shall be reduced for cost reporting periods beginning on or after October 1, 1999, by 55 percent of such amount otherwise allowable.''.

(c) REPEAL OF MORATORIUM ON BAD DEBT POLICY.—Section 4008(c) of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1395f note) is repealed.

**SEC. 715. PPS HOSPITAL PAYMENT UPDATE FOR FISCAL YEAR 2000.**

Section 1886(b)(3)(B)(i)(XV) (42 U.S.C. 1395ww(b)(3)(B)(i)(XV)) is amended by striking ''the market basket percentage increase minus 1.8 percentage points for hospitals in all areas'' and inserting ''0 percent''.

**SEC. 716. NO MARKUP FOR COVERED DRUGS; ELIMINATION OF OVERPAYMENTS FOR EPOGEN.**

(a) NO MARKUP FOR COVERED DRUGS.—Section 1842(o)(1) (42 U.S.C. 1395u(o)(1)) is amended by striking ''is equal to 95 percent of the average wholesale price.'' and inserting ''is equal to—

''(A) for 1998 and 1999, 95 percent of the average wholesale price, and

''(B) for 2000 and each subsequent year, 83 percent of the average wholesale price.''.

(b) ELIMINATION OF OVERPAYMENTS FOR EPOGEN.—Section 1881(b)(11)(B)(ii) (42 U.S.C. 1395rr(b)(11)(B)(ii)) is amended—

(1) in subclause (I)—

(A) by striking ''provided during 1994'' and inserting ''provided before 2000''; and

(B) by striking ''and'' at the end;

(2) by redesignating subclause (II) as subclause (III); and

(3) by inserting after subclause (I) the following new subclause:

''(II) for erythropoietin provided during 2000, in an amount equal to $9 per thousand units (rounded to the nearest 100 units), and''.

**SEC. 717. PARTIAL HOSPITALIZATION SERVICES.**

(a) SERVICES NOT TO BE FURNISHED IN RESIDENTIAL SETTINGS.—Section 1861(ff)(3)(A) (42 U.S.C. 1395x(ff)(3)(A)) is amended by inserting ''other than in an individual's home or in an inpatient or residential setting'' before the period.

(b) ADDITIONAL REQUIREMENTS FOR COMMUNITY MENTAL HEALTH CENTERS.—Section 1861(ff)(3)(B) (42 U.S.C. 1395x(ff)(3)(B)) is amended by striking ''entity—'' and all that follows and inserting the following: ''entity that—

''(i) provides the services specified in section 1913(c)(1) of the Public Health Service Act;

''(ii) meets applicable certification or licensing requirements for community mental health centers in the State in which it is located; and

''(iii) meets such additional standards or requirements as the Secretary may specify in the interest of the health and safety of individuals furnished services, or for the effective or efficient furnishing of services.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) apply to services furnished after the date that is 60 days after the date of enactment of this part.

**SEC. 718. INFORMATION REQUIREMENTS.**

(a) INFORMATION FROM GROUP HEALTH PLANS.—Section 1862(b) (42 U.S.C. 1395y(b)) is amended by adding at the end the following new paragraph:

''(7) INFORMATION FROM GROUP HEALTH PLANS.—

''(A) PROVISION OF INFORMATION BY GROUP HEALTH PLANS.—The administrator of a group health plan subject to the requirements of paragraph (1) shall provide to the Secretary any or all of the information elements listed in subparagraph (C), and in such manner and at such times (but not more frequently than four times per year), as the Secretary may specify, with respect to each individual covered under the plan and entitled to benefits under this title.

''(B) PROVISION OF INFORMATION BY DEPLOYERS WIND EMPLOYEE ORGANIZATIONS.—An employer (or employee organization) that maintains or participates in a group health plan subject to the requirements of paragraph (1) shall provide to the administrator of the plan any or all of the information elements listed in subparagraph (C), and in such manner and at such times (but not more frequently than four times per year), as the Secretary may specify, with respect to each individual covered under the plan and entitled to benefits under this title.

''(C) INFORMATION ELEMENTS TO BE PROVIDED.—The information elements to be provided under subparagraph (A) or (B) are the following:

''(i) ELEMENTS CONCERNING THE INDIVIDUAL.—

''(I) The individual's name.

''(II) The individual's date of birth.

''(III) The individual's sex.

''(IV) The individual's social security number.

''(V) The number assigned by the Secretary to the individual for claims under this title.

''(VI) The family relationship of the individual to the person who has or had current or former employment status with the employer.

''(ii) ELEMENTS CONCERNING THE FAMILY MEMBER WITH CURRENT OR FORMER EMPLOYMENT STATUS.—

''(I) The name of the person in the individual's family who has current or former employment status with the employer.

''(II) That person's social security number.

''(III) The number or other identifier assigned by the plan to that person.

''(IV) The periods of coverage for that person under the plan.

''(V) The employment status of that person (current or former) during those periods of coverage.

''(VI) The classes of that person's family members covered under the plan.

''(iii) PLAN ELEMENTS.—

''(I) The nature of the items and services covered under the plan.

''(II) The name and address to which claims under the plan are to be sent.

''(III) The name, address, and tax identification number of the plan sponsor.

''(iv) ELEMENTS CONCERNING THE EMPLOYER.—

''(I) The employer's name.

''(II) The employer's address.

''(III) The employer identification number of the employer.

''(IV) The employer tax identification number of the employer (if different from the number under subclause (III)).

''(D) USE OF IDENTIFIERS.—The administrator of a group health plan shall utilize an identifier for the plan (that the Secretary may furnish) in providing information under subparagraph (A) and in other transactions, as may be specified by the Secretary, related to the provisions of this subsection.

''(E) PENALTY FOR NONCOMPLIANCE.—Any entity that knowingly and willfully fails to comply with a requirement imposed by the previous subparagraphs shall be subject to a civil money penalty not to exceed $1,000 for each incident of such failure. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as those provisions apply to a penalty or proceeding under section 1128A(a).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) is effective 180 days after the date of enactment of this part.

**SEC. 719. CENTERS OF EXCELLENCE.**

(a) IN GENERAL.—Title XVIII (42 U.S.C. 1395 et seq.) is amended by inserting after section 1888 the following new section:

''CENTERS OF EXCELLENCE

''SEC. 1889. (a) IN GENERAL.—The Secretary shall use a competitive process to contract with specific hospitals or other entities for furnishing services related to surgical procedures, and for furnished services (unrelated to surgical procedures) to hospital inpatients that the Secretary determines to be appropriate. Such services may include any services covered under this title that the Secretary determines to be appropriate, including post-hospital services.

''(b) QUALITY STANDARDS.—Only entities that meet quality standards established by the Secretary shall be eligible to contract under this section. Entities shall implement a quality improvement plan approved by the Secretary.

''(c) PAYMENT.—Payment under this section shall be made on the basis of negotiated all-inclusive rates. The amount of payment made by the Secretary to an entity under this title for services covered under a contract shall be less than the aggregate amount of the payments that the Secretary would have otherwise made for the services.

''(d) CONTRACT PERIOD.—A contract period shall be 3 years (subject to renewal), as long as the entity continues to meet quality and other contractual standards.

''(e) INCENTIVES FOR USE OF CENTERS.—The Secretary may permit entities under a contract under this section to furnish additional services or waive beneficiary cost-sharing, subject to the approval of the Secretary.

''(f) LIMIT ON NUMBER OF CENTERS.—The Secretary shall limit the number of centers in a geographic area to the number needed to meet projected demand for contracted services.''.

(b) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) applies to services furnished on or after October 1, 2000.

(2) Not later than October 1, 2000, the Secretary shall enter into contracts under the amendment made by subsection (a) for coronary artery bypass surgery and other heart procedures, knee replacement surgery, and hip replacement surgery, in geographic areas nationwide such that at least 20 percent of the projected number of those procedures can be provided.

**SEC. 719A. EFFECT OF ENACTMENT.**

Not more than $1,100,000,000 of the savings for fiscal year 2000 resulting from the enactment of this part may be treated as negative discretionary budget authority and outlays for such fiscal year.

## PART II—FOOD AND DRUG ADMINISTRATION USER FEES

**SEC. 720. REFERENCES IN PART.**

Except as otherwise provided in this part, references to a section or other provision of law are references to the Federal Food, Drug, and Cosmetic Act, and amendments made by this part to a section or other provision of law are amendments to such section or other provision of that Act.

### Subpart A—Medical Device Fees

**SEC. 721. SHORT TITLE.**

This subpart may be cited as the ''Medical Device Fee Act of 1999''.

**SEC. 722. FEES RELATING TO DEVICES.**

Chapter VII (21 U.S.C. 371 et seq.) is amended—

(1) by redesignating sections 741, 742, 746, 751, 752, and 756, respectively; and

(2) by adding at the end of subchapter C the following new part:

### ''PART 3—FEES RELATING TO DEVICES

**''SEC. 741. DEFINITIONS.**

''For the purposes of this part, the terms listed in this section have the following meanings:

''(1) DEVICE APPLICATIONS.—The term 'device application' means—

''(A) an application for approval of a device submitted under section 515(c) or section 351 of the Public Health Service Act;

''(B) a supplement to an application described in subparagraph (A); or

''(C) a product development protocol described in section 515(f).

''(2) SUPPLEMENT.—The term 'supplement' means a request to the Secretary to approve a change in a device for which a notice of completion has become effective under section 515(f) or for which an application has been approved under section 515(d) or under section 351 of the Public Health Service Act.

''(3) ESTABLISHMENT.—The term 'establishment' means an establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a device or devices, with respect to which the person owning or operating such establishment is subject to the annual registration requirement under section 510. For purposes of the fees under this part, a place of business that is owned or operated by a single person, and which is at 1 general physical location consisting of 1 or more buildings all of which are within 5 miles of each other, shall be considered a single establishment.

''(4) PERIODIC PMA REPORT.—The term 'periodic PMA report' means any of such periodic reports as the Secretary may be regulation require of the holder of an approved premarket application or product development protocol pursuant to section 515.

''(5) PROCESS FOR THE REVIEW OF DEVICE APPLICATIONS.—The term 'process for the review of device applications' means the following activities of the Secretary with respect to the review of device applications and related activities:

''(A) The activities necessary for the review of device applications and related activities.

''(B) The issuance of action letters which allow marketing of devices or which set forth in detail the specific deficiencies in such applications and, where appropriate, the actions necessary to place such applications in approvable form.

''(C) The inspection of device establishments and other facilities undertaken as part of the Secretary's review of pending device applications.

''(D) Any activity necessary for the review of applications—

''(i) for licensure of devices subject to section 351 of the Public Health Service Act; and

''(ii) for the release of lots of such devices.

''(E) Review of device applications for an investigational new drug exemption under section 505(i) or for an investigational device exemption under section 520(g) and activities conducted in anticipation of the submission of an application under section 505(i) or 520(g).

''(F) The development of guidance, policy documents, or regulations to improve the process for the review of device applications.

''(G) The development of test methods or standards in connection with the review of device applications and related activities.

''(H) The provision of technical assistance to device manufacturers in connection with the submission of a device application.

''(I) Any activity undertaken under section 513 or 515(i) in connection with the initial classification or reclassification of a device or under section 515(b) in connection with any requirement for approval of a device.

''(J) Monitoring of research on devices.

''(K) Any activity undertaken under section 519(a) or 519(b).

''(L) Evaluation of postmarket studies required as a condition of an approval of a device application under section 515(d) or section 351 of the Public Health Service Act.

''(M) Evaluation of postmarket surveillance required under section 522.

''(6) COSTS OF RESOURCES ALLOCATED FOR THE PROCESS FOR THE REVIEW OF DEVICE APPLICATIONS.—The term 'costs of resources allocated for the process for the review of device applications' means the expenses incurred in connection with the process for the review of device applications and related activities for—

''(A) officers and employees of the Food and Drug Administration, employees under contract with the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees;

''(B) management of information, and the acquisition, maintenance, and repair of computer resources;

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials, services, and supplies; and

''(D) collecting fees under section 742 and accounting for resources allocated for the review of device applications, including activities related to the review of applications for fee exceptions, waivers, and reductions.

''(7) ADJUSTMENT FACTOR.—The term 'adjustment factor' has the meaning given that term in section 735(8), except that references therein—

''(A) to '1997' shall be read to mean '1999'; and

''(B) to 'the 105th Congress' shall be read to mean 'the 106th Congress'.

**''SEC. 742. AUTHORITY TO ASSESS AND USE DEVICE FEES.**

''(a) TYPES OF FEES.—Beginning in fiscal year 2000, the Secretary shall assess and collect fees in accordance with this section as follows:

''(1) DEVICE APPLICATION FEE.—

''(A) IN GENERAL.—Subject to the remaining provisions of this section, except as provided in subparagraph (B), each person that submits a device application on or after October 1, 1999, shall be subject to the fee prescribed by subsection (b). Before April 30, 2000, the Secretary shall establish guidelines for the combination of multiple device applications in those situations where it is appropriate to combine the applications and assess a single fee. A single fee shall be assessed upon an application which is such a combination.

''(B) EXCEPTIONS.—

''(i) FURTHER MANUFACTURING USE.—No fee shall be required for the submission of a device application under section 351 of the Public Health Service Act for a product licensed for further manufacturing use only.

''(ii) PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If a device application was—

''(I) submitted by a person that paid the fee for such application;

''(II) accepted for filing; and

''(III) not approved or was withdrawn,

the submission of a device application for the identical device by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

''(iii) SPECIAL LABELING IMPROVEMENTS.—No fee shall be required for the submission of a device application for a change in approved labeling that enhances the safety of the device or the safety in the use of the device.

''(2) ESTABLISHMENT REGISTRATION FEE.—Each person that is subject to the annual registration requirement under section 510 with respect to 1 or more establishments shall be assessed an annual fee established in subsection (b) for each such establishment.

''(3) PERIODIC PMA REPORT FEE.—Each person that is required to make a periodic PMA report on or after October 1, 1999, shall be assessed and annual fee established in subsection (b) for each device with respect to which such report is required.

''(b) FEE AMOUNTS.—Except as otherwise provided in this section, the fees required under subsection (a) shall be determined and assessed as follows:

''(1) FOR FISCAL YEAR 2000.—

''(A) APPLICATION AND SUPPLEMENT FEES.—The application fee under subsection (a)(1) shall be—

''(i) $40,000 for a device application described in subparagraph (A) or (C) of section 741(1); and

''(ii) $4,590 for a device application described in subparagraph (B) of section 741(1).

''(B) ESTABLISHMENT REGISTRATION FEE.—The annual establishment registration fee under subsection (a)(2) shall be $200.

''(C) PERIODIC PMA REPORT FEE.—The periodic PMA report fee under subsection (a)(3) shall be $1,000.

''(2) INFLATION ADJUSTMENT FOR SUBSEQUENT YEARS.—The fees established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for fiscal year 2001 and each succeeding fiscal year to reflect an inflation adjustment determined as described in section 736(c)(1), except that the reference therein to 'fiscal year 1997' shall be considered to mean 'fiscal year 2000'.

''(c) SPECIAL CIRCUMSTANCES FOR FEE WAIVER OR REDUCTION; SMALL BUSINESS EXCEPTION.—

''(1) WAIVERS.—The Secretary shall grant a waiver from or a reduction of a fee for a person under this subsection if the person has submitted an application under section 515(c) or 515(f), or under section 351 of the Public Heath Service Act and if the Secretary finds—

''(A) that such application is a device application for a device which has a humanitarian device exemption under section 520(m); or

''(B)(i) such waiver or reduction is necessary to protect the public health; or

''(ii) the assessment of the fee would present a significant barrier to innovation because of limited resources available to such person or other circumstances.

''(2) SMALL BUSINESS EXCEPTION.—

''(A) APPLICATIONS AND SUBMISSIONS.—The Secretary may waive the fee for any person employing fewer than 20 employees, including employees of affiliates (as defined in section 735(9)), that does not have, and whose affiliates do not have, an approved application submitted under section 515(c) or under section 351 of the Public Health Service Act or a cleared premarket notification under section 510(k).

''(B) CERTIFICATION.—The Secretary shall require any person who seeks a waiver in accordance with subparagraph (A) to certify such person's qualification under such subparagraph. The Secretary shall periodically publish in the Federal Register a list of persons making such certification.

''(d) PAYMENT DEADLINE; EFFECT OF FAILURE TO PAY FEES.—

''(1) DEVICE APPLICATION FEE.—A device application fee required under this section shall be due at the time the application is submitted to the Secretary. A device application or supplement submitted by a person subject to fees under this section shall be considered incomplete and shall not be accepted for review by the Secretary until all such fees owed by such person have been paid.

''(2) ESTABLISHMENT REGISTRATION FEE.—An establishment registration fee required under this section shall be due not later than December 31 of each year. A device establishment for which a fee due under this section has not been paid by such date shall not be considered a registered establishment for purposes of section 510.

''(3) PERIODIC PMA REPORT FEE.—A periodic PMA report fee shall be due not later than the due date of the periodic PMA report, as set forth in the notice approving the PMA application (or, in the case of a PMA for which reports are required to be submitted more often than annually, on the due date of the first such report in such fiscal year). A periodic PMA report with respect to which such annual fee has not been paid by such due date shall not be considered to have been filed as required in the notice of approval of the PMA.

''(4) ADDITIONAL SANCTIONS.—In addition to the sanctions described above, the Secretary may—

''(A) discontinue review of any device application submitted by a person if such person has not paid all fees owed under this section; and

''(B) assess a penalty of 25 percent of the fee due, in the case of any fee overdue by more than 3 months.

''(e) REFUND OF FEES.—

''(1) IF DEVICE APPLICATION REFUSED.—The Secretary shall refund 75 percent of the fee paid under subsection (d)(1) for any device application which the Secretary refuses to accept for review.

''(2) IF DEVICE APPLICATION WITHDRAWN.—If a device application is withdrawn after the Secretary has accepted it for review, the Secretary may refund all or a portion of the fee if no substantial work was performed on the application after acceptance for review. The determination whether to refund all or any portion of the fee shall be in the Secretary's sole discretion and shall not be reviewable.

''(f) GENERAL CONDITIONS APPLICABLE TO FEE ASSESSMENT AUTHORITY.—

''(1) LIMITATION.—Fees may not be assessed under this section for a fiscal year beginning after fiscal year 2000 unless appropriations for such fiscal year for salaries and expenses of the Food and Drug Administration (excluding amounts appropriated for fees under this subchapter), and for that portion of such appropriation designated for the Center for Devices and Radiological Health, equal or exceed such appropriations for fiscal year 1999 multiplied by the adjustment factor.

''(2) DELAYED ASSESSMENT.—If the Secretary does not assess fees under this section during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without modification in the rate, at any time in such fiscal year notwithstanding the provisions of subsection (d) relating to the date fees are to be paid.

''(g) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under this section shall be available for obligation only to the extent and in the amounts provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended solely for the review of device applications. Such fees shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Any amount of fees collected for a fiscal year under this subsection that exceeds the amount of fees made available in appropriations Acts for such fiscal year may be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Excess fees may be retained but are not available for obligation until appropriated. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) LIMITATION.—The fees authorized by this section shall only be available to defray increases in the costs of the resources allocated for the process for the review of device applications (including increases in such costs for an additional number of full-time equivalent employees in the Department of Health and Human Services to be engaged in such process) over such costs for fiscal year 1999 multiplied by the adjustment factor.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) DEVICE APPLICATION FEES.—There are authorized to be appropriated for device application fees under this section—

''(A) $3,645,000 for fiscal year 2000;

''(B) $3,745,000 for fiscal year 2001;

''(C) $3,845,000 for fiscal year 2002;

''(D) $3,945,000 for fiscal year 2003; and

''(E) $4,000,000 for fiscal year 2004.

''(2) ESTABLISHMENT REGISTRATION FEES.—There are authorized to be appropriated for establishment registration fees under this section—

''(A) $2,880,000 for fiscal year 2000;

''(B) $2,955,000 for fiscal year 2001;

''(C) $3,030,000 for fiscal year 2002;

''(D) $3,100,000 for fiscal year 2003; and

''(E) $3,200,000 for fiscal year 2004.

''(3) PERIODIC PMA REPORT FEES.—There are authorized to be appropriated for periodic PMA report fees under this section—

''(A) $475,000 for fiscal year 2000;

''(B) $500,000 for fiscal year 2001;

''(C) $525,000 for fiscal year 2002;

''(D) $550,000 for fiscal year 2003; and

''(E) $570,000 for fiscal year 2004.

''(i) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(j) ANNUAL REPORT.—Beginning with fiscal year 2000, not later than 120 days after the end of each fiscal year during which fees are collected under this part the Secretary shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning—

''(1) the reduction in the backlog for the review of device applications and the reduction in the amount of time to complete review of such applications after submission;

''(2) the implementation of the authority for such fees during such fiscal year; and

''(3) the use, by the Food and Drug Administration, of the fees collected during such fiscal year.''.

**SEC. 723. SUNSET.**

The amendments made by this subpart shall not be in effect after September 30, 2005.

**Subpart B—Fees To Support Costs of Review of Food and Color Additive Petitions**

**SEC. 725. SHORT TITLE.**

This subpart may be cited as the ''Food and Color Additive Petition Fee Act of 1999''.

**SEC. 726. FEES TO SUPPORT COSTS OF FOOD AND COLOR ADDITIVE PETITIONS.**

Chapter VII (21 U.S.C. 371 et seq.) is further amended by adding at the end of subchapter C the following new part:

**''PART 4—FEES RELATING TO FOOD AND COLOR ADDITIVE PETITIONS**

**''SEC. 750. AUTHORITY TO ASSESS AND USE FEES.**

''(a) DEFINITIONS.—For purposes of this part, the terms listed in this subsection have the following meanings:

''(1) FOOD ADDITIVE PETITION.—The term 'food additive petition' means a petition submitted pursuant to section 409(b).

''(2) COLOR ADDITIVE PETITION.—The term 'color additive petition' means a petition submitted pursuant to section 721(d).

''(3) PETITION REVIEW ACTIVITIES.—The term 'petition review activities' means the following activities of the Secretary with respect to the review of food additive and color additive petitions:

''(A) The activities necessary for the review of food additive and color additive petitions and related activities.

''(B) The issuance of regulations which allow marketing of an additive or written correspondence or other documentation which sets forth the deficiencies in such an additive petition and, where appropriate, the actions necessary to resolve such deficiencies.

''(C) The evaluation of the regulatory status and issuance of correspondence or other written documentation concerning the substances described in paragraphs (1) through (4) of section 908(a).

''(D) The inspection of testing facilities undertaken as part of the Secretary's review of a pending additive petition.

''(E) The development of guidance and policy documents regarding the review of additive petitions.

''(F) The development of test methods and standards in connection with the review of additive petitions and related activities.

''(G) The provision of technical assistance to prospective petitioners in connection with the submission of an additive petition.

''(H) Monitoring of studies and data pertaining to the safety of substances described in paragraphs (1) through (4) of section 908(a).

''(I) The activities necessary for registration under section 908.

''(4) COSTS OF RESOURCES ALLOCATED FOR PETITION REVIEW ACTIVITIES.—The term 'costs of resources allocated for petition review activities' means the expenses incurred in connection with the process for the review of food and color additive petitions and related activities for—

''(A) officers and employees of the Food and Drug Administration, employees under contract with the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees;

''(B) management of information, and the acquisition, maintenance, and repair of computer resources;

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials, services, and supplies; and

''(D) collecting fees under this section and accounting for resources allocated for petition review activities, including activities related to the review of applications for fee exceptions, waivers, and reductions.

''(5) TIER I, TIER II, TIER III PETITIONS; REGULATORY MODIFICATION.—

''(A) The term 'tier I petition' means a petition for approval of an additional use or uses of an additive for which a use is already approved, except as otherwise provided in subparagraph (B).

''(B) The term 'tier II petition' means—

''(i) a petition for first-time approval of any use of an additive (other than a petition described in subparagraph (C)); or

''(ii) a petition for approval of an additional use or uses of an already approved additive, where the proposed additional use would—

''(I) result in a significant increase in dietary exposure to such substance; or

''(II) raise novel safety issues.

''(C) The term 'tier III petition' means a petition for first-time approval of any use of an additive that would—

''(i) result in a significant dietary exposure to such substance; or

''(ii) raise novel safety issues.

''(D) REGULATORY MODIFICATION.—The Secretary may by regulation revise the definitions in subparagraphs (A) through (C).

''(6) ADJUSTMENT FACTOR.—The term 'adjustment factor' has the meaning given that term in section 735(8), except that references therein—

''(A) to '1997' shall be read to mean '1999'; and

''(B) to 'the 105th Congress' shall be read to mean 'the 106th Congress'.

''(b) ASSESSMENT OF FEES.—Subject to the remaining provisions of this section, except to the extent otherwise provided in subsection (d), each person that, on or after October 1, 1999—

''(1) submits a food or color additive petition; or

''(2) is required to register under section 908 (other than a person that manufactures, processes, or packages a substance that is subject to certification under section 721(c)(1)), shall be subject to fees under this part.

''(c) FEE AMOUNTS.—

''(1) FOR INITIAL FISCAL YEARS.—

''(A) FOR FOOD OR COLOR ADDITIVE PETITION.—The fee under this part for a food or color additive petition shall be—

''(i) FOR FISCAL YEAR 2000.—

''(I) $15,000 for a tier I petition;

''(II) $60,000 for a tier II petition; and

''(III) $260,000 for a tier III petition.

''(ii) FOR FISCAL YEAR 2001.—

''(I) $20,000 for a tier I petition;

''(II) $88,500 for a tier II petition; and

''(III) $275,000 for a tier III petition.

''(iii) FOR FISCAL YEAR 2002.—

''(I) $27,000 for a tier I petition;

''(II) $120,000 for a tier II petition; and

''(III) $290,000 for a tier III petition.

''(iv) FOR FISCAL YEAR 2003.—

''(I) $37,000 for a tier I petition;

''(II) $155,000 for a tier II petition; and

''(III) $345,000 for a tier III petition.

''(v) FOR FISCAL YEAR 2004.—

''(I) $43,000 for a tier I petition;

''(II) $175,000 for a tier II petition; and

''(III) $400,000 for a tier III petition.

''(B) FOR REGISTRATION OF FOOD ADDITIVE AND COLOR ADDITIVE PRODUCERS.—The fee under this part for registration under section 908 shall be—

''(i) $4,500 for fiscal year 2000;

''(ii) $7,380 for fiscal year 2001;

''(iii) $9,927 for fiscal year 2002;

''(iv) $12,390 for fiscal year 2003; and

''(v) $14,853 for fiscal year 2004,

for each place of business listed in the registration of such person under section 908.

''(2) INFLATION ADJUSTMENT.—The fees established in paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for fiscal year 2001 and each succeeding fiscal year to reflect an inflation adjustment determined as described in section 736(c)(1), except that the reference therein to 'fiscal year 1997' shall be considered to mean 'fiscal year 2000'.

''(d) WAIVERS AND EXCEPTIONS FOR PETITION FEES: EXTRAORDINARY CIRCUMSTANCES; SMALL BUSINESS.—

''(1) EXTRAORDINARY CIRCUMSTANCES.—The Secretary may waive or reduce food or color additive petition fees based on extraordinary circumstances as determined by the Secretary, including the circumstance of a food additive petition for a proposed use of a substance that is intended to reduce significantly human pathogens or their toxins in or on food, where the petitioner demonstrates that assessment of a fee would present a significant barrier to innovation because the petitioner has limited resources available.

''(2) SMALL BUSINESSES.—

''(A) IN GENERAL.—Any business that—

''(i) has fewer that 20 employees, including employees of affiliates; and

''(ii) has not previously submitted a petition under section 409 or under section 721,

shall pay ½ the amount of the petition fee under this part for the first submission under such section 409 or section 721.

''(B) AFFILIATE.—For purposes of this paragraph, the term 'affiliate' has the meaning given that term in section 735(9).

''(e) PAYMENT DEADLINE; EFFECT OF FAILURE TO PAY FEES.—

''(1) FOOD AND COLOR ADDITIVE PETITION FEES.—Fees assessed under this section with respect to a petition shall be due and payable

at the time the petition is submitted to the Secretary. A food or color additive petition submitted by a person subject to a fee under this section shall be considered incomplete and shall not be accepted by the Secretary until all fees owed by such person have been paid.

''(2) FOOD INGREDIENT AND COLOR ADDITIVE PRODUCER REGISTRATION FEES.—Fees assessed under this section for a fiscal year with respect to a person required to register under section 908 shall be due and payable not later than the registration deadline specified in such section for such fiscal year. A person that has not paid a fee due under this section by such date shall not be considered registered for purposes of section 908.

''(f) REFUND OF ADDITIVE PETITION FEES.—

''(1) IF PETITION REFUSED.—The Secretary shall refund 75 percent of the fee paid under subsection (e)(1) for any food or color additive petition which the Secretary declines to file.

''(2) IF PETITION WITHDRAWN.—If a food or color additive petition is withdrawn after the Secretary has filed it, the Secretary may refund a portion of the fee up to 75 percent if no substantial work was performed on the petition after filing. The determination whether to refund any portion of the fee shall be in the Secretary's sole discretion, and shall not be reviewable.

''(g) GENERAL CONDITIONS APPLICABLE TO FEE ASSESSMENT AUTHORITY.—

''(1) LIMITATION.—Fees may not be assessed under this section for a fiscal year beginning after fiscal year 2000 unless appropriations for such fiscal year for salaries and expenses of the Food and Drug Administration (excluding amounts appropriated for fees under this subchapter), and for that portion of such appropriation designated for the Center for Food Safety and Applied Nutrition, equal or exceed such appropriations for fiscal year 1999 multiplied by the adjustment factor.

''(2) DELAYED ASSESSMENT.—If the Secretary does not assess fees under this part during any portion of a fiscal year due to paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without modification in the rate, any time in such fiscal year notwithstanding the provisions of subsection (e) relating to the date fees are to be paid.

''(h) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under this section shall be available for obligation only to the extent and in the amounts provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended solely for the petition review activities set forth in subsection (a)(4). Such fees shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Any amount of fees collected for a fiscal year under this subsection that exceeds the amount of fees made available in appropriations Acts for such fiscal year may be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Excess fees may be retained but are not available for obligation until appropriated. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) LIMITATION.—The fees authorized by this section shall only be available to defray increases in the costs of the resources allocated for petition review activities (including increases in such costs for an additional number of full-time equivalent employees in the Department of Health and Human Services to be engaged in such process) over such costs for fiscal year 1999, multiplied by the adjustment factor.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

''(1) for food and color additive petitions—

''(A) $1,300,000 for fiscal year 2000;

''(B) $1,675,000 for fiscal year 2001;

''(C) $2,250,000 for fiscal year 2002;

''(D) $2,875,000 for fiscal year 2003; and

''(E) $3,500,000 for fiscal year 2004 and each succeeding fiscal year; and

''(2) for food ingredient and color additive producers—

''(A) $2,700,000 for fiscal year 2000;

''(B) $4,428,000 for fiscal year 2001;

''(C) $5,956,000 for fiscal year 2002;

''(D) $7,434,000 for fiscal year 2003; and

''(E) $8,912,000 for fiscal year 2004 and each succeeding fiscal year,

adjusted to reflect the percentage adjustment of fees authorized under subsection (c).

''(j) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(k) PERFORMANCE GOALS.—Upon enactment of this section, the Secretary shall send to the Congress a letter which shall declare goals and timetables for review by the Food and Drug Administration of food additive and color additive petitions.

''(l) ANNUAL REPORT.—Beginning with fiscal year 2000, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall submit to the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning—

''(1) the progress of the Food and Drug Administration in achieving the goals declared pursuant to subsection (k);

''(2) the implementation of the authority for such fees during such fiscal year; and

''(3) the use by the Food and Drug Administration of the fees collected during such fiscal year.''.

**SEC. 727. REGISTRATION OF FOOD INGREDIENT AND COLOR ADDITIVE PRODUCERS.**

(a) REGISTRATION REQUIREMENT FOR PRODUCERS.—Chapter IX (21 U.S.C. 391 et seq.) is amended by adding at the end the following new section:

**''SEC. 907. REGISTRATION OF FOOD INGREDIENT AND COLOR ADDITIVE PRODUCERS.**

''(a) REGISTRATION REQUIREMENT.—On or before October 1, 1999 (or, if later, the date 3 months after the date of enactment of this section), and on or before October 1 of each succeeding year, a person in any State engaged in the manufacture, processing, or packaging of any of the following substances shall register with the Secretary the person's name and all places of business of such person engaged in such manufacture, processing, or packaging:

''(1) A substance that is subject to regulation under section 409 of this Act except a substance that is distributed in interstate commerce on the basis of section 409(a)(3)(B).

''(2) A substance that is distributed in interstate commerce on the basis that it is generally recognized as safe within the meaning of section 201(s) of this Act, including any substance listed as generally recognized as safe in the Code of Federal Regulations, and any substance asserted to be generally recognized as safe where the Food and Drug Administration has been notified of such assertion as part of a notification program of the Food and Drug Administration.

''(3) A substance that is distributed in interstate commerce on the basis of section 201(s)(4).

''(4) A substance that is subject to regulation under section 721.

''(b) DELINEATION OF SINGLE PLACE OF BUSINESS.—For purposes of this section and part 4 of subchapter C of chapter VII, a place of business that is owned or operated by a single person, and which is at 1 general physical location consisting of 1 or more buildings all of which are within 5 miles of each other, shall be considered a single place of business.''.

(b) ARTICLES PRODUCED BY AN UNREGISTERED PERSON.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following new subsection:

''(t) If it was manufactured, processed, or packaged in any State by a person not duly registered under section 908.''.

**SEC. 728. AMENDMENTS RELATING TO FOOD ADDITIVE PETITION REVIEW PROCESS.**

(a) ACTION ON PETITION.—Section 409(c) (21 U.S.C. 348(c)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''(A) by order establish'' and inserting ''(A) establish''; and

(B) by striking ''petitioner of such order'' and inserting ''petitioner of such regulation'';

(2) in paragraph (1)(B)—

(A) by striking ''(B) by order deny'' and inserting ''(B) deny''; and

(B) by striking ''such order'' and inserting ''such denial'';

(3) in paragraph (2)—

(A) by striking ''The order required'' and inserting ''The Secretary shall take the action required''; and

(B) by striking ''shall be issued''; and

(4) in paragraph (3) by striking ''No such regulation shall issue if'' and inserting ''No regulation shall issue under paragraph (1) if''.

(b) REGULATION ISSUED ON SECRETARY'S INITIATIVE.—Section 409(d) (21 U.S.C. 348(d)) is amended in the second sentence by striking ''by order''.

(c) PUBLICATION AND EFFECTIVE DATE OF ORDERS.—Section 409 (21 U.S.C. 348) is amended in subsection (e) to read as follows:

''(e) Any regulation issued under subsection (c) or (d) shall be published and shall be effective upon publication.''.

(d) JUDICIAL REVIEW.—Section 409(f) (21 U.S.C. 348(f)) is amended read as follows:

''(f)(1) Any person adversely affected by an action by the Secretary under subsection (c) or (d), including any amendment or repeal of a regulation issued under this section, may obtain judicial review of such action by filing in the United States Court of Appeals for the circuit in which such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, within 60 days of such action, a petition requesting that the regulation be set aside in whole or in part.

''(2) The court, on such judicial review, shall not sustain the Secretary's action if such action was not based upon a fair evaluation of the entire record before the Secretary.''.

(e) FINALITY OF COURT ORDER.—Section 409(g) (21 U.S.C. 348(g)) is amended by striking paragraphs (1) through (4) and by striking the paragraph designation ''(5)''.

(f) ACCESS TO OUTSIDE EXPERTS DURING REVIEW PROCESS.—Section 409 (21 U.S.C. 348) is amended by adding at the end the following new subsection:

''(k) ACCESS TO OUTSIDE EXPERTS DURING REVIEW PROCESS.—Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary may consult with, or seek advice from, a person who is not a full-time officer or employee of the Federal Government, either as an individual or as part of a

group of such individuals, for the purpose of obtaining expert scientific review of data or other information submitted to the Secretary under this section, if the Secretary determines that the expertise provided by such individual or group of individuals would contribute to the quality of the scientific review of such submission or to the timeliness of such review and such expertise is not otherwise available within the Food and Drug Administration. The reviews, opinions, and conclusions of individuals obtained under the authority of this subsection shall be reduced to written form and place in the relevant administrative file.''.

**SEC. 728A. AMENDMENTS RELATING TO COLOR ADDITIVE PETITION REVIEW PROCESS.**

(a) DETERMINATION OF SAFETY OF COLOR ADDITIVES.—Section 721(b)(5) (21 U.S.C. 379e(b)(5)) is amended by striking subparagraphs (C) and (D).

(b) PROCEDURE FOR ISSUANCE, AMENDMENT, OR REPEAL OF REGULATIONS.—Subsection (d) of section 721 (21 U.S.C. 379e(d)) is amended to read as follows:

''Procedure for Issuance, Amendment, or Repeal of Regulations

''(d)(1) The issuance, amendment, or repeal of regulations under subsection (b) may be commenced by a proposal made (A) by the Secretary on the Secretary's own initiative, or (B) by petition of any interested person, showing reasonable grounds therefor, submitted to the Secretary. Where an action is commenced by the submission of a petition, the Secretary shall, within 30 days of its filing by the Secretary, publish notice of such petition, describing in general terms the action proposed by the petition. The Secretary shall act upon such petition within the time period set out in section 409(c)(2) by establishing a regulation under subsection (b) or by denying such petition. The Secretary shall notify the petitioner of the action taken on the petition and the reasons for such action.

''(2) Any regulation issued under this subsection shall be published and shall be effective upon publication.

''(3)(A) Any person adversely affected by an action by the Secretary under this subsection, including any amendment or repeal of a regulation issued under this section, may obtain judicial review of such action by filing in the United States Court of Appeals for the circuit in which such person resides or has his or her principal place of business, or in the United States Court of Appeals for the District of Columbia, within 60 days of such action, a petition requesting that the regulation be set aside in whole or in part.

''(B) The court, on such judicial review, shall not sustain the Secretary's action if such action was not based upon a fair evaluation of the entire record before the Secretary.

''(4) The judgment of the court affirming or setting aside, in whole or in part, any order under paragraph (3) shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order.''.

(c) FEES.—Section 721(e) (21 U.S.C. 379e(e)) is amended by striking ''admitting to listing and''.

(d) ACCESS TO OUTSIDE EXPERTS DURING REVIEW PROCESS.—Section 721 (21 U.S.C. 379e) is amended by adding at the end the following new subsection:

''Access to Outside Experts During Review Process

''(g) Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary may consult with, or seek advice from, a person who is not a full-time officer or employee of the Federal Government, either as an individual or as part of a group of such individuals, for the purpose of obtaining expert scientific review of data or other information submitted to the Secretary under this section, if the Secretary determines that the expertise provided by such individual or group of individuals would contribute to the quality of the scientific review of such submission or to the timeliness of such review and such expertise is not otherwise available within the Food and Drug Administration. The reviews, opinions, and conclusions of individuals obtained under the authority of this subsection shall be reduced to written form and placed in the relevant administrative file.''.

**Subpart C—Food Contact Substance Notification Fees**

**SEC. 729. SHORT TITLE.**

This subpart may be cited as the ''Food Contact Substance Notification Fee Act of 1999''.

**SEC. 729A. FEES RELATING TO FOOD CONTACT SUBSTANCE NOTIFICATIONS.**

Chapter VII (21 U.S.C. 371 et seq.) is further amended by adding at the end of subchapter C the following new part:

**''PART 5—FEES RELATING TO NOTIFICATIONS FOR FOOD CONTACT SUBSTANCES**

**''SEC. 754. AUTHORITY TO ASSESS AND USE FEES.**

''(a) DEFINITIONS.—For purposes of this part, the terms used in this subsection have the following meanings:

''(1) FOOD CONTACT SUBSTANCE.—The term 'food contact substance' has the meaning given that term in section 409(h)(6).

''(2) NOTIFICATION.—The term 'notification' means a notification submitted pursuant to section 409(h).

''(3) NOTIFICATION REVIEW ACTIVITIES.—The term 'notification review activities' means the following activities of the Secretary with respect to the review of notifications:

''(A) The activities necessary for the review of notifications and related activities.

''(B) The issuance of written correspondence or other documents which set forth the deficiencies in such notifications and, where appropriate, the actions necessary to resolve such deficiencies.

''(C) The development of guidance and policy documents regarding the process for the review of notifications.

''(D) The development of test methods and standards in connection with the review of notifications and related activities.

''(E) The provision of technical assistance to prospective notifiers in connection with the submission of a food contact substance notification.

''(F) Monitoring of studies and data pertaining to the safety of substances described in paragraphs (1) through (4) of section 908.

''(4) COSTS OF RESOURCES ALLOCATED FOR NOTIFICATION REVIEW ACTIVITIES.—The term 'costs of resources allocated for notification review activities' means the expenses incurred in connection with the process for the review of notifications and related activities for—

''(A) officers and employees of the Food and Drug Administration, employees under contract with the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees;

''(B) management of information, and the acquisition, maintenance, and repair of computer resources;

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials, services, and supplies; and

''(D) collecting fees under this section and accounting for resources allocated for the review of notifications and related activities.

''(5) TIER I, TIER II, TIER III NOTIFICATIONS; REGULATORY MODIFICATION.—

''(A) TIER I NOTIFICATION.—The term 'tier I notification' means a notification for—

''(i) a use that results in an incremental increase in dietary exposure to the food contract substance equal to or less than 0.5 parts per billion; or

''(ii) a new use of a substance that does not require review of additional safety data.

''(B) TIER II NOTIFICATION.—The term 'tier II notification' means a notification for a use or uses—

''(i) that results in an incremental increase in estimated dietary exposure to the food contact substances of less than or equal to 50 parts per billion, but greater than 0.5 parts per billion in the diet; or

''(ii) that does not require review of more than 1 animal toxicity study with a duration of 90 days or more.

''(C) TIER III NOTIFICATION.—The term 'tier III notification' means a notification—

''(i) not described in subparagraph (A) or (B); or

''(ii) for a food contact substance that is a new food contact material.

''(D) REGULATORY MODIFICATION.—The Secretary may by regulation revise the definitions in subparagraphs (A) through (C).

''(6) ADJUSTMENT FACTOR.—The term 'adjustment factor' has the meaning given that term in section 735(8), except that references therein—

''(A) to '1997' shall be read to mean '1999'; and

''(B) to 'the 105th Congress' shall be read to mean 'the 106th Congress'.

''(b) ASSESSMENT OF FEES.—Subject to the remaining provisions of this section, each person that submits a notification under section 409(h) on or after October 1, 1999, shall be subject to fees established in accordance with this part.

''(c) FEE AMOUNTS.—

''(1) FOR FISCAL YEAR 2000.—The fee under this part for a notification submitted in fiscal year 2000 shall be—

''(A) $5,000 for each tier I notification;

''(B) $20,000 for each tier II notification; and

''(C) $40,000 for each tier III notification.

''(2) INFLATION ADJUSTMENT FOR SUBSEQUENT YEARS.—The fees established in paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for fiscal year 2001 and each succeeding fiscal year to reflect an inflation adjustment determined as described in section 736(c)(1), except that the reference therein to 'fiscal year 1997' shall be considered to mean 'fiscal year 2000'.

''(d) PAYMENT DEADLINE; EFFECT OF FAILURE TO PAY FEES.—Fees assessed under this section shall be due and payable at the time the notification is submitted to the Secretary. A notification submitted by a person subject to fees assessed under this section shall be considered incomplete, shall not be accepted by the Secretary, and shall not be considered effective under section 409(a)(3)(B) until 120 days after all fees owed by such persons have been paid.

''(e) GENERAL CONDITIONS APPLICABLE TO FEE ASSESSMENT AUTHORITY.—

''(1) LIMITATION.—Fees may not be assessed under this section for a fiscal year beginning after fiscal year 2000 unless appropriations for such fiscal year for salaries and expenses of the Food and Drug Administration (excluding amounts appropriated for fees under this subchapter), and for that portion of such appropriation designated for the Center for

Food Safety and Applied Nutrition, equal or exceed such appropriations for fiscal year 1999 multiplied by the adjustment factor.

''(2) DELAYED ASSESSMENT.—If the Secretary does not assess fees under this part during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without modification in the rate, for activities related to the regulatory purpose for which they were collected any time in such fiscal year notwithstanding the provisions of subsection (d) relating to the date fees are to be paid.

''(f) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under this section shall be available for obligation only to the extent and in the amounts provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended solely to support the notification review activities set forth in subsection (a)(3). Such fees shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Any amount of fees collected for a fiscal year under this subsection that exceeds the amount of fees made available in appropriations Acts for such fiscal year may be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Excess fees may be retained but are not available for obligation until appropriated. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section $6,000,000 for fiscal year 2000 and each succeeding fiscal year, as adjusted to reflect the percentage adjustment of fees authorized under subsection (b).

''(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.''.

**SEC. 729B. AMENDMENT RELATING TO FOOD CONTACT SUBSTANCE NOTIFICATION PROCESS.**

Section 409(h)(5)(A)(iv) (21 U.S.C. 348(h)(5)(A)(iv)) is amended to read as follows:

''(iv) For fiscal year 2000 and subsequent fiscal years, the applicable amount under this clause is the amount specified in section 754(g).''.

## PART III—HEALTH CARE FINANCING ADMINISTRATION USER FEES

**SEC. 731. REFERENCES IN PART.**

Except as otherwise provided in this part, references to a section or other provision of law are references to the Social Security Act, and amendments made by this part to a section or other provision of law are amendments to such section or other provision of that Act.

**SEC. 732. INCREASE IN MEDICARE+CHOICE FEE FOR ENROLLMENT-RELATED COSTS.**

Section 1857(e)(2)(D)(ii) (42 U.S.C. 1395w–27(e)(2)(D)(ii)) is amended—

(1) by adding ''and'' at the end of subclause (I);

(2) in subclause (II)—

(A) by inserting ''and each subsequent fiscal year'' after ''in fiscal year 1999''; and

(B) by striking ''; and'' and inserting a period; and

(3) by striking subclause (III).

**SEC. 733. COLLECTION OF FEES FROM MEDICARE+CHOICE ORGANIZATIONS FOR CONTRACT INITIATION AND RENEWAL.**

Section 1857 (42 U.S.C. 1395w–27) is amended by adding at the end the following new subsection:

''(i) FEES FOR CONTRACT ISSUANCE AND RENEWAL AND ONGOING MONITORING.—

''(1) AUTHORITY TO IMPOSE FEES.—The Secretary shall impose—

''(A) fees for initial Medicare+Choice contracts under this part; and

''(B) annual fees for renewal of such contracts and monitoring of the ongoing operations of Medicare+Choice organizations.

''(2) ASSESSMENT OF FEES.—

''(A) TYPES OF FEES.—

''(i) INITIATION FEES.—Fee amounts assessed against a member of a class of organizations pursuant to paragraph (1)(A) shall not exceed the Secretary's reasonable estimate of the average cost of initiating a Medicare+Choice contract for an organization in such class.

''(ii) RENEWAL AND MONITORING FEES.—Fee amounts assessed pursuant to paragraph (1)(B) against members of a class of organizations shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover total annual costs for renewing contracts and performing ongoing monitoring with respect to such class.

''(B) REDUCTION OR WAIVER OF FEES.—The Secretary may reduce or waive the fees under this subsection in exceptional circumstances which the Secretary determines to be in the public interest.

''(3) COLLECTION AND CREDITING OF FEES.—

''(A) INITIAL FEES.—Fees assessed against an organization pursuant to paragraph (1)(A) shall be payable upon submission of the application to participate in the program under this title as a Medicare+Choice organization (and shall apply whether or not the Secretary approves such application) and shall be credited to the Health Care Financing Administration Program Management Account.

''(B) RENEWAL AND MONITORING FEES.—Fees assessed against an organization pursuant to paragraph (1)(B) shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such organization. Such fees shall be credited to the Health Care Financing Administration Program Management Account.

''(C) OFFSET.—Any amount of fees collected in a fiscal year under this subsection that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriation Acts.

''(4) AVAILABILITY OF FEES.—Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to be appropriated to remain available until expended for the costs of the activities for which they were assessed.''.

**SEC. 734. FEES FOR SURVEY AND CERTIFICATION.**

(a) IN GENERAL.—Section 1864(e) (42 U.S.C. 1395aa(e)) is amended to read as follows:

''(e) FEES FOR CONDUCTING CERTIFICATION SURVEYS.—

''(1) AUTHORITY TO IMPOSE FEES.—Except as provided in paragraph (6), the Secretary shall impose, or require States as a condition of agreements under this section to impose—

''(A) fees for surveys for the purpose of making initial determinations as to whether entities meet requirements under this title; and

''(B) annual fees to cover the costs of periodic surveys to determine whether entities participating in the program under this title continue to meet such requirements.

''(2) ASSESSMENT OF FEES.—

''(A) TYPES OF FEES.—

''(i) FEES FOR INITIAL SURVEYS.—Fee amounts assessed pursuant to paragraph (1)(A) against an entity in a class in a State shall not exceed the estimated average cost of an initial survey and determination for an entity in such class and State.

''(ii) FEES FOR RECERTIFICATION SURVEYS.—

''(I) IN GENERAL.—Fee amounts assessed pursuant to paragraph (1)(B) against entities in a class in a State shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover the applicable percentage specified in subclause (II) of total annual costs for such surveys and determinations with respect to such class and State.

''(II) APPLICABLE PERCENTAGES.—For purposes of subclause (I), the applicable percentage is—

''(aa) 33 percent for fiscal year 2000;

''(bb) 66 percent for fiscal year 2001; and

''(cc) 100 percent for fiscal year 2002 and each succeeding fiscal year.

''(B) REDUCTION OR WAIVER OF FEES.—The Secretary may reduce or waive the fees under this subsection in exceptional circumstances which the Secretary determines to be in the public interest.

''(3) COLLECTION AND CREDITING OF FEES.—

''(A) FEES FOR INITIAL SURVEYS.—

''(i) COLLECTION OF FEES.—Fees assessed against an entity in a State pursuant to paragraph (1)(A) shall be payable at the time of the initial survey to the Secretary (or, in the case of surveys performed by a State agency, to such agency).

''(ii) REMITTANCE OF FEE AMOUNT TO SECRETARY WHERE STATE COLLECTS FEES.—In the event a State agency collects a fee pursuant to clause (i), such agency shall remit to the Secretary an amount equal to the Secretary's share of the cost of the activities described in paragraph (1)(A).

''(iii) CREDITING OF FEES.—Fees paid to the Secretary pursuant to clause (i) or remitted to the Secretary pursuant to clause (ii) shall be credited to the Health Care Financing Administration Program Management Account.

''(B) FEES FOR RECERTIFICATION SURVEYS.—

''(i) COLLECTION OF FEES.—Fees assessed against an entity pursuant to paragraph (1)(B) shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such entity.

''(ii) REIMBURSEMENT OF STATE AGENCY COSTS.—Of amounts collected pursuant to clause (i), an amount equal to the State's share of the cost of activities described in paragraph (1)(B) shall be transferred to the appropriate State agency.

''(iii) REIMBURSEMENT OF SECRETARY'S COSTS.—The balance of the amount collected pursuant to clause (i) that is not paid to a State agency pursuant to clause (ii) shall be credited to the Health Care Financing Administration Program Management Account.

''(C) OFFSET.—Any amount of fees collected in a fiscal year under this subsection that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriation Acts.

''(4) AVAILABILITY OF FEES.—Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriation

Acts. Such fees are authorized to be appropriated to remain available until expended for the costs of the activities for which they were assessed.

''(5) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this subsection as an allowable item on a cost report under this title or title XIX.

''(6) CERTAIN ENTITIES NOT SUBJECT TO FEE.—The Secretary shall not impose fees under this subsection against entities subject to the requirements of the Clinical Laboratory Improvement Amendments of 1988 (Public Law 100-578, 42 U.S.C. 263a).''.

(b) SIMPLER AND MORE FLEXIBLE LEGISLATIVE AUTHORITY.—

(1) IN GENERAL.—The first two sentences of section 1864(a) (42 U.S.C. 1395aa(a)) are amended to read as follows: ''The Secretary may make an agreement with a State under which the services of a State agency (or local agencies) will be utilized by the Secretary in determining whether entities that furnish items or services for which payment may be made under this title meet requirements under this title. To the extent that the Secretary finds it appropriate, an entity that a State (or local) agency finds to have met requirements under this title may be treated by the Secretary as having met those requirements.''.

(2) POSTING OF FINDINGS.—The fifth sentence of such section is amended to read as follows: ''Within 90 days after the completion of a survey of an entity under the first sentence of this subsection, the Secretary shall make public in readily available form and place, and require (in the case of skilled nursing facilities) the posting in a place readily accessible to patients (and patients' representatives), the pertinent findings of the survey as to the compliance of the entity with statutory requirements under this title and with the major additional conditions that the Secretary finds necessary in the interest of health and safety of individuals who are furnished items or services by the entity.''.

(3) CLERICAL AMENDMENT.—The heading of section 1864 (42 U.S.C. 1395aa) is amended by striking ''WITH CONDITIONS OF PARTICIPATION'' and inserting ''AND OTHER ENTITIES WITH REQUIREMENTS UNDER THIS TITLE''.

**SEC. 735. FEES FOR REGISTRATION OF INDIVIDUALS AND ENTITIES PROVIDING HEALTH CARE ITEMS OR SERVICES UNDER MEDICARE.**

(a) IN GENERAL.—Section 1866 (42 U.S.C. 1395cc) is amended by adding at the end the following new subsection:

''(j) REGISTRATION PROCEDURES AND FEES.—

''(1) REGISTRATION.—The Secretary shall establish a procedure for initial registration and periodic renewal of registration of individuals and entities that furnish items or services for which payment may be made under this title and that are not otherwise subject to provisions of this title providing for such procedures.

''(2) FEES.—

''(A) AUTHORITY TO IMPOSE FEES.—The Secretary shall impose—

''(i) fees for initial agreements with providers of services and initial registrations of other entities and individuals that furnish items or services for which payment may be made under this title, and

''(ii) annual fees to cover the costs of renewals of agreements and registrations of such individuals and entities.

''(B) ASSESSMENT OF FEES.—

''(i) TYPES OF FEES.—

''(I) INITIAL FEES.—Fee amounts assessed pursuant to subparagraph (A)(i) against a member of a class of individuals or entities shall not exceed the Secretary's reasonable estimate of the average cost of initiating an agreement or performing an initial registration for an individual or entity in such class.

''(II) RENEWAL FEES.—Fee amounts assessed pursuant to subparagraph (A)(ii) against members of a class of individuals or entities shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover total annual costs of performing such renewals with respect to such class.

''(ii) REDUCTION OR WAIVER OF FEES.—The Secretary may reduce or waive the fees under this paragraph in exceptional circumstances which the Secretary determines to be in the public interest.

''(C) COLLECTION AND CREDITING OF FEES.—

''(i) INITIAL FEES.—Fees assessed pursuant to subparagraph (A)(i) against an individual or entity shall be payable upon application for billing privileges under the program under this title (and shall apply whether or not the Secretary approves such application) and shall be credited to the Health Care Financing Administration Program Management Account.

''(ii) RENEWAL FEES.—Fees assessed pursuant to subparagraph (A)(ii) against an individual or entity shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such individual or entity. Such fees shall be credited to the Health Care Financing Administration Program Management Account.

''(iii) OFFSET.—Any amount of fees collected in a fiscal year under this paragraph that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriation Acts.

''(D) AVAILABILITY OF FEES.—Fees authorized under this paragraph shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to be appropriated to remain available until expended for necessary expenses related to initiating and renewing such agreements and registrations, including costs of establishing and maintaining procedures and records systems; processing applications; background investigations; renewal of billing privileges; and reverification of eligibility.

''(E) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this paragraph as an allowable item on a cost report under this title or title XIX.''; and

(b) CLERICAL AMENDMENT.—The heading of section 1866 (42 U.S.C. 1395cc) is amended by inserting ''AND REGISTRATION OF OTHER PERSONS FURNISHING SERVICES'' after ''PROVIDERS OF SERVICES''.

**SEC. 736. FEES FOR PROCESSING CLAIMS.**

(a) IN GENERAL.—Title XVIII (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''FEES FOR PROCESSING CLAIMS

''SEC. 1897. (a) AUTHORITY TO IMPOSE FEES.—

''(1) IN GENERAL.—Subject to subsection (b), each claim described in paragraph (2) submitted by an individual or entity furnishing items or services for which payment may be made under this title is subject to a processing fee of $1.

''(2) CLAIMS SUBJECT TO FEE.—A claim under part A or B of this title is subject to the fee specified in paragraph (1) if it—

''(A) duplicates, in whole or in part, another claim submitted by the same individual or entity;

''(B) is a claim that cannot be processed and must, in accordance with the Secretary's instructions, be returned by the fiscal intermediary or carrier to the individual or entity for completion; or

''(C) is not submitted electronically by an individual or entity or the authorized billing agent of such individual or entity.

''(b) COLLECTION, CREDITING, AND AVAILABILITY OF FEES.—

''(1) DEDUCTION FROM TRUST FUND.—The Secretary shall deduct any fees assessed pursuant to subsection (a) against an individual or entity from amounts otherwise payable from a Trust Fund under this title to such individual or entity, and shall transfer the amount so deducted from such Trust Fund to the Health Care Financing Administration Program Management Account.

''(2) OFFSET.—Any amount of fees collected in a fiscal year under this section that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriation Acts.

''(3) AVAILABILITY.—Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to be appropriated to remain available until expended for the costs of the activities for which they were assessed.

''(c) WAIVER OF CERTAIN FEES.—The Secretary may waive fees for claims described in subsection (a)(2)(C) in cases of such compelling circumstances as the Secretary may determine.

''(d) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this section as an allowable item on a cost report under this title or title XIX.''.

(b) CONFORMING AMENDMENT.—Section 1842(c)(4) (42 U.S.C. 1395u(c)(4)) is amended by striking ''Neither a carrier'' and inserting ''Except as provided in section 1897, neither a carrier''.

(c) EFFECTIVE DATE.—The amendments made by this section are effective 180 days after the date of enactment of this part.

**SEC. 737. REPEAL OF PROVISION RELATED TO SELECTION OF REGIONAL LABORATORY CARRIERS.**

Section 4554(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395u note) is repealed.

**SEC. 738. AUTHORITY TO ISSUE INTERIM FINAL REGULATIONS.**

The Secretary may issue any regulations needed to implement amendments made by this subtitle as interim final regulations.

## Subtitle H—Transportation

## PART I—FEDERAL AVIATION ADMINISTRATION COST-BASED USER FEES

**SEC. 811. FEDERAL AVIATION ADMINISTRATION COST-BASED USER FEES.**

(a) Chapter 453 of title 49, United States Code, is amended by adding at the end the following:

**''§ 45305. Transitional fees for users of air traffic control services**

''(a) AUTHORITY TO ESTABLISH FEES.—

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish a schedule of new fees, and a collection process for such fees, to be paid by operators described in paragraph (4) for air traffic control services provided by the the Administration.

''(2) DURATION OF EFFECT.—Fees established under this section shall be effective until the Administrator adopts a permanent schedule of fees for air traffic control services.

''(3) AMOUNT OF FEES.—Fees authorized under this section shall reflect, based on cost

accounting principles, the full cost of providing air traffic control services, including costs associated with research, engineering, development, operation, maintenance, and depreciation of air traffic control facilities and infrastructure.

''(4) PERSONS SUBJECT TO FEES.—The following operators shall be subject to fees established under this section:

''(A) Persons holding certificates under part 119 of title 14, Code of Federal Regulations.

''(B) Persons holding certificates to operate an aircraft for compensation or hire under part 125 of title 14, Code of Federal Regulations.

''(C) Foreign air carriers directly providing air transportation.

''(b) ISSUANCE OF REGULATIONS.—

''(1) INTERIM FINAL RULE.—

''(A) PUBLICATION.—Not later than September 30, 1999, the Administrator shall publish in the Federal Register an interim final rule establishing an initial schedule of fees authorized under this section and describing the collection process for such fees.

''(B) CONSULTATION.—Before publishing a rule under subparagraph (A), the Administrator shall consult with interested operators who may be subject to the rule.

''(2) FINAL RULE.—After the Administrator receives public comment on the interim final rule, the Administrator shall issue a final rule as early as is practicable.

''(c) DEPOSIT OF FEES.—Fees collected under this section shall be deposited in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).

''(d) REDUCTION OF TAXES FOR FISCAL YEAR 2000.—If, prior to October 1, 1999, the sum of estimated receipts from fees established under this section for fiscal year 2000 and estimated receipts from excise taxes to be credited to the Airport and Airway Trust Fund for fiscal year 2000 is projected to exceed the budgetary requirements for the Federal Aviation Administration for fiscal year 2001 as shown in the Budget of the United States Government for Fiscal Year 2000, aviation excise taxes that would otherwise be applicable shall be reduced in the same manner as provided in section 45306.

''(e) AVAILABILITY OF FEES.—Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended.

**''SEC. 45306. ADJUSTMENT OF CERTAIN AVIATION EXCISE TAXES.**

''(a) IN GENERAL.—On the date on which the Budget of the United States Government is transmitted to Congress in 2000, and on that date on each year thereafter, if the sum of revenue from fees projected to be collected under section 45305 and subchapter II of this title in the upcoming fiscal year and amounts equivalent to excise taxes projected to be credited to the Airport and Airway Trust Fund in that fiscal year does not equal the budgetary requirements for the Federal Aviation Administration for the succeeding year, as shown in the Budget of the United States Government for the upcoming fiscal year, aviation excise taxes that would otherwise be imposed in the upcoming fiscal year shall be adjusted as follows:

''(1) PASSENGER TICKET TAX.—The rate of tax imposed under section 4261(a) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(a)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(2) INTERNATIONAL ARRIVALS AND DEPARTURES.—The rate of tax imposed under section 4261(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(c)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(3) AIR CARGO.—The rate of tax imposed under section 4271 of the Internal Revenue Code of 1986 (26 U.S.C. 4271) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(4) DOMESTIC PASSENGER FLIGHT SEGMENTS.—The rate of tax imposed under section 4261(b) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(b)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(5) PASSENGER TICKET TAX FOR RURAL AIRPORTS.—The rate of tax imposed under section 4261(e)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(e)(1)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(6) FREQUENT FLYER TAX.—The rate of tax imposed under section 4261(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(e)(3)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(7) COMMERCIAL AVIATION FUEL TAX.—The rate of tax not exempted under section 4092(b)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 4092(b)(2)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(b) ADJUSTMENTS BY THE SECRETARY OF THE TREASURY.—On the date on which the Budget of the United States Government is transmitted to Congress in 2000, and on that date in each year thereafter, the Secretary of the Treasury, in consultation with the Secretary of Transportation, shall calculate a percent figure for the upcoming fiscal year as follows:

''(1) ESTIMATE OF BUDGETARY REQUIREMENTS.—The Secretary of the Treasury shall estimate the budgetary requirements for the Federal Aviation Administration for the upcoming fiscal year based on the budget of the United States Government.

''(2) ESTIMATE OF FEES.—The Secretary of the Treasury shall estimate the amount of user fees imposed under section 45305 to be collected for the upcoming fiscal year.

''(3) ESTIMATE OF TAX REVENUES.—The Secretary of the Treasury shall estimate the receipts in the upcoming fiscal year from taxes that, but for this section, would be imposed under sections 4261(a) (relating to the passenger tickets), 4261(c) (relating to international arrivals and departures), 4271 (relating to transportation of property), 4261(b) (domestic passenger flight segments), 4261(e)(1) (relating to passenger tickets for rural airports), and 4261(e)(3) (relating to frequent flyer programs) of the Internal Revenue Code of 1986.

''(4) CALCULATION OF ACTUAL RESOURCES.—On the date on which the Budget of the United States Government is transmitted to Congress in 2002, and on that date in each year thereafter, the Secretary of Treasury shall calculate the amount that actual budget resources, in the fiscal year that is one year earlier than the current year, and user fee and tax receipts credited to the Airport and Airway Trust Fund, in the fiscal year that is two years earlier than the current year, varied from the amounts projected in the calculation previously made for the fiscal year that is two years earlier than the current year under this subsection or section 45305(d). The resulting positive or negative amount is added to the estimated amount calculated under paragraph (3).

''(5) CALCULATION OF ADJUSTMENTS.—The Secretary of the Treasury shall subtract the amount calculated under paragraph (2) from the amount calculated under paragraph (1) and divide that result by the amount calculated under paragraph (3), after any adjustment under paragraph (4). If the result is less than 1, subtract the resulting percentage from 100 percent. The percent that taxes are to be reduced for the upcoming fiscal year under subsection (a) is the result of this calculation. If the result is greater than 1, subtract 1 from the result. The percent that taxes are to be increased for the upcoming fiscal year under subsection (a) is the result of this calculation.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 453 is amended by inserting at the end the following:

''45305. Transitional fee for users of air traffic control services.

''45306. Adjustment of certain aviation excise taxes.''.

**PART II—COAST GUARD VESSEL NAVIGATION ASSISTANCE FEE**

**SEC. 821. COAST GUARD VESSEL NAVIGATIONAL ASSISTANCE FEE.**

(a) IN GENERAL.—Section 2110 of title 46, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

''(b)(1) Commencing in fiscal year 2000, the Secretary may establish, adjust, assess, and collect annual fees or charges to recover a portion of the costs of navigation services provided to commercial vessels by the Coast Guard. The fees or charges shall be collected from the owner or operator of each commercial vessel that is operated on the navigable waters of the United States.

''(2) Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts.

''(3) From amounts collected pursuant to paragraph (1), there are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating, to remain available until expended and ascribed to the Coast Guard, such sums as may be necessary for fiscal year 2000 and for each fiscal year thereafter.

''(4)(A) Fees authorized under this subsection may vary or be allocated to reflect the costs of navigation services provided to different classifications of commercial vessels or vessel owners or operators, taking into account factors such as the type of navigation services made available; type, size, and capacity of the vessel; type and amount of cargo carried; type of port or region; economic efficiency; fair distribution of common costs; and other factors the Secretary considers appropriate. The total of fees or charges imposed shall not exceed the total costs of navigation services used or usable by all vessel classifications combined, including the costs of administering, collecting, and enforcing the fees.

''(B) Fees authorized under this subsection—

''(i) may be waived or reduced by the Secretary, if in the public interest; and

''(ii) shall be subject to the limitations prescribed in paragraphs (3) through (5) of subsection (a) of this section.

''(5) Notwithstanding sections 553(b) and 553(c) of title 5, the Secretary shall prescribe by interim final rule an initial schedule of fees and the procedures for payment and collection, which shall be effective without the necessity for consideration of comments received. However, public comment on the interim final rule shall be sought and considered before a final rule is promulgated.

''(6) In this subsection—

''(A) 'commercial vessel' means a vessel used in transporting goods or individuals by water for compensation or hire or in the business of the owner, lessee, or operator of the vessel, but does not include a public vessel, a vessel deemed to be a public vessel under section 827 of title 14, a recreational vessel, a ferry, or a fishing vessel; and

''(B) 'navigation services' means activities and facilities used to make available or provide placement and maintenance of buoys and other short-range aids to navigation, vessel traffic services, radio and satellite navigation systems, waterways regulation, or other services that facilitate navigation of commercial vessels, as determined by the Secretary.'';

(2) in subsection (e) by inserting after ''violation'' the following: '', except that in the case of a fee or charge established under subsection (b) of this section, the civil penalty shall be not less than twice the amount of the fee or charge due under subsection (b)'';

(3) in subsection (h) by inserting after ''section'' the following: ''(except those collected pursuant to subsection (b)(1) of this section)''; and

(4) in subsection (k) by inserting after the first sentence the following: ''This subsection does not apply to a regulation that would promulgate a user fee specifically authorized by law after November 13, 1998.''.

(b) EFFECTIVE DATE OF FEES.—No fee shall be collected under the amendments made by subsection (a) until 30 days after the effective date of interim final regulations promulgated pursuant to those amendments.

## PART III—HAZARDOUS MATERIALS TRANSPORTATION SAFETY FEES

### SEC. 831. HAZARDOUS MATERIALS TRANSPORTATION SAFETY FEES.

Section 5108 of title 49, United States Code, is amended—

(1) by striking subsection (b)(1)(C) and inserting the following:

''(C) each State in which the person carries out any of the activities.'';

(2) by striking subsection (c) and inserting the following:

''(c) FILING SCHEDULE.—Each person required to file a registration statement under subsection (a) of this section shall file that statement in accordance with regulations issued by the Secretary.'';

(3) in subsection (g)(1), by striking ''may'' and inserting ''shall'';

(4) in subsection (g)(2)(A), by striking ''$250 but not more than $5,000'' and inserting ''$500'';

(5) in subsection (g)(2)(A), by striking ''subparagraph (B)'' and inserting ''subparagraph (E)'';

(6) in subsection (g)(2)(A)(viii), by striking ''sections 5108(g)(2), 5115, and 5116'' and inserting ''chapter 51 (except sections 5109, 5112, and 5119)'';

(7) by striking subsections (g)(2)(B) and (g)(2)(C) and inserting the following:

''(B) At the beginning of each fiscal year, the Secretary shall publish a fee schedule for the fee established under this paragraph. The fee schedule shall be designed to collect the following amounts:

''(i) Amounts authorized for that fiscal year, from amounts in the account established under section 5116(i), to carry out sections 5116(a), 5116(i), and 5116(j).

''(ii) Amounts appropriated to the Research and Special Programs Administration (RSPA) for that fiscal year from amounts collected under subsection (g)(2)(B)(ii).

''(iii) Amounts appropriated to RSPA for that fiscal year, from amounts in the account established under section 5116(i), to carry out sections 5107(e) and 5115.

''(iv) Amounts authorized for that fiscal year, from amounts in the account established under section 5116(i), for publication and distribution of the North American Emergency Response Guidebook.

''(C) The Secretary shall transfer to the Secretary of the Treasury all funds received by the Secretary under this paragraph, except the amounts appropriated to RSPA from amounts collected under subsection (g)(2)(B)(ii), for deposit in the account the Secretary of the Treasury established under section 5116(i).

''(D) Fees authorized under subsection (g)(2)(B)(ii) shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended.

''(E) The Secretary shall adjust the amount collected under subsection (g)(2)(B) to reflect any unexpended balance in the account established under section 5116(i). However, the Secretary is not required to refund any fee collected under this paragraph.''; and

(8) in subsection (i)(2)(B), by striking ''State,'' and inserting ''State, an Indian tribe,''.

## PART IV—COMMERCIAL ACCIDENT INVESTIGATION FEES

### SEC. 841. COMMERCIAL ACCIDENT INVESTIGATION USER FEES.

(a) IN GENERAL.—Chapter 11 of title 49, United States Code, is amended by adding at the end the following:

**''§ 1120. Commercial accident investigation fees**

''(a) IN GENERAL.—

''(1) AUTHORITY.—A fee for service to offset, on an annual basis and to the extent provided in this subsection, the costs of investigation of commercial transportation accidents and incidents, may be collected by the United States Government as specified in this section.

''(2) USE AND AVAILABLITY.—Except as provided under paragraph (4), fees authorized under this section shall be available for obligation, to remain available until expended, only to the extent and in the amount provided in advance in appropriations Acts for the investigation by the National Transportation Safety Board of accidents involving air, ocean and inland waterways, and rail carriers.

''(3) DEPOSIT.—Each fee collected under this section shall be deposited as an offsetting collection to the account that is the source of funds used to pay the costs of accident investigations.

''(4) EXCESS AMOUNTS.—Notwithstanding paragraphs (2) and (3), amounts collected under this section that exceed $10,000,000 in any fiscal year shall be transferred to the emergency fund established under section 1118(b), and shall be available until expended for unforeseen costs attributable to investigations by the National Transportation Safety Board of extraordinary accidents involving air, ocean and inland waterways, and rail carriers.

''(b) AIRCRAFT ACCIDENT INVESTIGATION FEE.—To the extent that a fee for service is newly imposed on the operation of a commercial aircraft in United States airspace (or on a flight segment to or from the United States) by the Administrator of the Federal Aviation Administration after September 30, 1999, the amount of the fee shall, in fiscal year 2000 and each succeeding fiscal year in which the fee is imposed, be automatically increased under the authority of this section by a pro rata amount that allocates over the total fees imposed on an aircraft for the fiscal year, the amount that is equivalent to the revenue hours of service of the aircraft in United States airspace (or on a flight segment to or from the United States) during the fiscal year, multiplied by $00.60.

''(c) RAILROAD ACCIDENT INVESTIGATION FEE.—To the extent that a fee for service is newly imposed on the operation of a rail carrier, as defined in section 10102 of this title, by the Secretary of Transportation after September 30, 1999, the amount of the fee shall, in fiscal year 2000 and each succeeding fiscal year in which the fee is imposed, be automatically increased under the authority of this section by a pro rata amount that allocates over the total fees imposed on the rail carrier for the fiscal year, the amount that is equivalent to the number of train miles of the rail carrier for the fiscal year, multiplied by $00.00313.

''(d) COMMERCIAL VESSEL ACCIDENT INVESTIGATION FEE.—To the extent that a fee for service is newly imposed by statute on the use of port facilities at harbors within the United States by commercial vessels after September 30, 1999, the amount of the fee shall, in fiscal year 2000 and each succeeding fiscal year in which the fee is imposed, be automatically increased under the authority of this section by a pro rata amount that allocates over the total fees imposed on the commercial vessel for the fiscal year, the amount this is equivalent to the number of vessel movements of the vessel during the fiscal year, multiplied by $00.09.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 11 of title 49, United States Code, is amended by inserting at the end the following:

''1120. Commercial accident investigation user fees.''.

## PART V—SURFACE TRANSPORTATION BOARD USER FEES

### SEC. 851. SURFACE TRANSPORTATION BOARD USER FEES.

Section 705 of title 49, United States Code, is amended—

(1) by inserting ''(a) AUTHORIZATIONS.—'' before ''There'' at the beginning of the section;

(2) by striking ''and'' at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(4) by adding after paragraph (3) the following:

''(4) $17,000,000 for fiscal year 2000, which shall be derived from fees collected in the fiscal year by the Board.

''(b) USER FEES AND CHARGES.—

''(1) IN GENERAL.—Beginning in fiscal year 2000, the Board is authorized to assess and collect fees and annual charges in each fiscal year in amounts equal to all of the costs incurred by the Board in that fiscal year.

''(2) AMOUNT.—The amount of fees and charges imposed by the Board under this subsection shall be computed using methods that the Board determines, by rule, to be fair and equitable.

''(3) USE AND AVAILABILITY.—Fees authorized under this section shall be available for obligation, to remain available until expended, only to the extent and in the amount provided in advance in appropriation Acts.''.

## PART VI—RAIL SAFETY USER FEES

### SEC. 861. RAIL SAFETY INSPECTION USER FEES.

Section 20115 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''chapter'' in the first sentence and inserting ''part''; and

(B) by amending paragraph (1) to read as follows:

''(1) shall cover the costs incurred by the Federal Railroad Administration in carrying out this part and chapter 51 of this title;'';

(2) by amending subsection (c) to read as follows:

''(c) COLLECTION, DEPOSIT, AND USE.—(1) The Secretary is authorized to impose and collect fees under this section for each fiscal year (beginning with fiscal year 2000) before the end of the fiscal year to cover the costs of carrying out this part and Federal Railroad Administration activities in connection with chapter 51 of this title.

''(2) Fees authorized under this section shall be available for obligation only to the

extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended.''; and

(3) by striking subsections (d) and (e).

**TITLE II—BUDGET PROVISIONS**

**SEC. 2001. REDUCTION OF PREEXISTING BALANCES ON PAYGO SCORECARD.**

Upon the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) reduce any balances of direct spending and receipts legislation for fiscal year 2000 under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 to zero; and

(2) treat the amount of any balances so reduced as negative discretionary budget authority and outlays for fiscal year 2000 under section 251 of such Act.

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to the rule, the gentleman from Kentucky (Mr. LEWIS) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, is this a tax bill?

The SPEAKER pro tempore. The Chair cannot construe the bill. The bill will be reported, and the Clerk will report the title of the bill.

The Chair recognizes the gentleman from Kentucky (Mr. LEWIS).

GENERAL LEAVE

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3085.

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

There was no objection.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was not too many years ago in the State of the Union message that the President said that the era of big government is over. But since that time, the President has not lived up to those remarks.

The President currently would like to see a tax increase. The President would like to spend more money than what is available. And the President has only two or three choices.

Yesterday, the President vetoed a foreign aid bill because it did not spend enough money. He wanted an extra 2 or 3 billion dollars to spend. Mr. Speaker, the money that the President wants to spend should not be taken and spent on the backs of the people less able to spend that money.

This resolution today I stand in opposition to, because the American people are spending too much of their money in tax dollars now. The average family spends 40 percent of their income in local, State, and Federal taxes. The average family spends more money in taxes than they do in food and clothing and other necessary needs.

Mr. Speaker, I oppose this resolution; and I ask that the Congress reject any more taxes and any more spending by the President of the United States.

Mr. Speaker, I yield the balance of my time to the gentleman from Nebraska (Mr. TERRY) and ask unanimous consent that he be permitted to yield further blocks of time.

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

There was no objection.

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

Mr. Speaker, I had asked earlier whether this was a tax bill. Having been privileged to serve on the tax writing committee for over 20 years, I was under the impression that revenue bills went to the Committee on Ways and Means. And if we are changing these rules and the revenue bills now come out of the Committee on Rules, there are some Democrats who have revenue bills and they just want to know which committee to go to in order to see how they can get them reported to the floor.

Now, it is my understanding that this afternoon the Republican leadership will be meeting with the President of the United States for the purpose of seeing whether or not they can negotiate some solution to the budget problems that the leadership, for lack of a better word, have found themselves with on the other side of the aisle.

I cannot possibly see how they think that bringing up a bill for the sole purpose of embarrassing the President can help them in this effort.

As I understand this bill, which comes out of the Committee on Rules, they would want to raise $100 billion over a 5-year period and say that these are the President's revenue raises.

Well, it seemed to me that if the President did have tobacco taxes and the President did have user taxes and that these were pulled out of a budget that these revenue raises must have been attached to something. In other words, the President must have said that these monies should be used to pay for prescription drugs. The President must have said that this money should be used to improve the quality of our educational system.

But no one puts together a budget and talks about raising revenue unless it is for a purpose that has not been legislated. But this is very unusual because a Member of this body has decided that he wants to raise $20 billion a year and then come to the floor and ask the House to vote against this bill.

Now, I know and have come to understand why we would want to have 13 months in a year. I have come to understand why we would want to have across-the-board cuts. I have come to understand anything that they want us to understand because they are in the leadership.

But I do hope that before this debate is over that they might be able to explain to those American people who are not legislators why, in God's name, they would attempt to say that they want to raise taxes by $20 billion a year, why would they want to attribute to the President of the United States while their leadership is supposed to meet with them, and why is it that they do not want to do anything good in this bill, such as improving the quality of education or paying for prescription drugs.

So, Mr. Speaker, I can see why this did not come through the tax writing committee because they do not intend to raise taxes, they just intend to talk about taxes. But no matter what they do, they are going to be remembered for a $792 billion tax bill. If they want to be remembered about taxes, they do not need these little gimmicks, just stick by their guns and say, surplus or not, we still support a tax cut for $792 billion.

If they do this, they do not have to go to the suspension calendar, they do not have to go to suspended rules, but they will be remembered for what they want and not just $20 billion.

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

Mr. TERRY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the recent drumbeat of criticism coming from the White House has been hard to miss. Simply put, the President does not like the fact that Congress will not go along with his tax increases to pay for new government spending.

It is disappointing that all this noise has drowned out the attention to all of these new taxes and fees the President himself has proposed, more than $19 billion for this next fiscal year and about $240 billion over the next 10 years.

I introduced this bill so Members would have the formal opportunity to express their views on the President's new taxes and fees and so instruct our leadership.

Now, in fact, the taxes and fees included in this bill are only the offsets to the President's new discretionary spending. I should also note that he has proposed other taxes on nonprofit organizations, life insurance, bond insurers, and other businesses.

Well, it is time to put up or shut up. Let me tell my colleagues some of the things that are in this bill. At a time when our hospitals and seniors are being squeezed, the President wants to charge a $1 filing fee for claims submitted to HCFA and cut services to seniors by another $1.3 billion. The President also wants to impose $504 million in new livestock, poultry, and egg inspection fees. Airline carriers and passengers would pay an additional $1.3 billion in new user fees. I can go on and on.

It is sad enough that the President vetoed the bill that would have given back taxpayers a small part of the

amount that they are overcharged to run this Federal Government. The veto, along with all of these new taxes and fees, shows the mantra of the administration is more, more taxes, more user fees, more government.

Over the next 10 years, it is a trillion-dollar swing, $792 billion in tax cuts added on with $238 billion in new taxes.

I, for one, plan to signal the appropriators that they should reject the President's new taxes and fees. If they find the President's proposals as ludicrous as I do, I urge them to vote ''no'' on this bill.

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

Mr. RANGEL. Mr. Speaker, I yield the balance of the time to the gentleman from Washington (Mr. MCDERMOTT) the senior member of the tax writing committee of the Committee on Ways and Means and also a member of the Committee on the Budget, and I ask unanimous consent that he be allowed to yield blocks of time.

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

There was no objection.

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

Mr. Speaker, I do not hold the freshmen Members who are sponsors of this legislation responsible for this. This is clearly the brilliant thinking of the leadership of the side that thought, if we turn down the Comprehensive Test Ban Treaty, everybody will think we are for America; and now they think if they can embarrass the President that somehow, when they go up to negotiate an hour or two from now, because they slapped him in the face, he will be a lot more amenable to a discussion.

Now, there is an old saying where I come from that ''you get a lot more with honey than do you with vinegar.'' And from people who have turned down Medicare reform, October 14 in The Washington Post it says, ''House leadership shelves attempt to do Medicare reform,'' for people who are doing that and then to come out here and put a bill on the floor that says to the Democrats, why do they not vote for a hundred billion dollars and give it to us to spend, I do not know who is that dumb to come up with that idea, but they ought to get them out of the leadership. Because we are not going to vote for any taxes if we do not know what it is going to be spent for.

As the gentleman from New York (Mr. RANGEL) says, when the President brought the package out here, he said, here is what I think we should spend it on and here is where we get it from. But I thank them for the opportunity to vote ''no'' on taxes. We do not often get that chance. So I thank them for their help today.

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

Mr. TERRY. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from South Carolina (Mr. DEMINT) the cosponsor of this bill.

Mr. DEMINT. Mr. Speaker, I will remind the other side that they have had a chance to vote for tax cuts and they voted against them already this year.

Mr. Speaker, as a first-year congressman, I have been amazed at how many times I had have seen the President and Vice President say one thing in front of cameras and then step away from the cameras and do the exact opposite.

When the President talked about his budget this year, he said that his first priority was to protect Social Security and Medicare. But when he sent his budget to Congress, we saw that he was spending Social Security funds on other programs and even cutting Medicare. He even proposed new taxes and fees on the American people.

Democrats and Congress joined him in talking about this great plan. So Republicans called their bluff. We put the Clinton-Gore budget on the House floor for a vote. This time the cameras saw the truth.

Only two Members of the House would vote for the President's budget. Republicans have balanced the budget and begun to pay down the public debt without spending one dime of Social Security and Medicare money this year, and we are going to secure the future for every American by doing the same thing next year and every year after that that Americans allow us to lead this Congress.

But the President, Vice President, and Democrats are at it again. They want more spending, including $4 billion more for foreign aid. Instead of reducing Washington waste, the President and Vice President have proposed $240 billion in new taxes and fees over the next 10 years to pay for more government programs.

It is time we keep the promises to our own citizens and stop taking more of their hard-earned money for more Government waste. The President is in front of the cameras again defending his spending plans, and his friends in the House are there with him.

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We are calling their bluff again. We are putting the President's proposed tax increases on the floor for a vote today so the cameras can see the truth. I will vote ''no,'' because these taxes and fees hurt farmers, they hurt students, they hurt needy families, and they hurt all Americans.

I urge all of my colleagues to vote ''no'' on this resolution that shows what the President is really trying to do.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT) who is the ranking member on the Committee on the Budget.

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

Mr. SPRATT. I thank the gentleman for yielding me this time.

Mr. Speaker, this bill is nothing but a distraction from Congress's real work. We are 19 days from the new fiscal year and only five out of 13 appropriations bills have been signed into law. Eight remain to be enacted. But instead of doing its work, the House is wasting its time taking up this pointless bill which has no possibility of passage.

What we have before us are revenue offsets that the President proposed last February in his budget. They come to the floor under suspension, we cannot amend them, and the House is being made to vote on these offsets in total isolation from the President's proposals, his initiatives. The President offered these offsets, among other things, to defray the cost of hiring more teachers, 100,000 more teachers to reduce class size and putting more cops on the street. We do not get to vote for that, we only vote for the revenues and have no idea where they might be applied.

When you ask yourself why this bill under these procedures is being brought up, you can only conclude this is a red herring. It is offered to draw attention from the fact that CBO has said that when you back all the gimmicks out of the bill before us, the majority has already spent more than the discretionary spending caps allow and in fact is $23.8 billion into the Social Security surplus. To get around this problem, they have proposed some offsets of their own. For example, they proposed a $3 billion hit on the TANF fund, but the Republican governors protested and it was quickly dropped.

Then they proposed to pass the DeLay amendment, $9 billion. It took a hit on working families with children, stretched out their earned income tax payments, and it met with instant rebuke from none other than the Republicans' own likely presidential nominee, Mr. Bush. Governor Bush said, ''You're trying to balance the budget on the backs of poor people.''

Now they are talking about across-the-board cuts. But to raise $23.8 billion in across-the-board cuts, they would have to cut across the board 6.6 percent.

Unless we want to spend the rest of this month in pointless bills like this, we need to put aside our differences and work together to bridge this gulf. The President has invited the congressional leadership to the White House today to discuss ways to break this deadlock. The meeting will take place tonight and it is a welcome first step. But this is no way to begin the process of getting together on something that has to be done.

Mr. TERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman bringing this resolution to show the truth to the American people, the real truth in real terms, not the numbers that we just heard that are not real numbers. They

are concocted numbers by the Democrats because they have nothing to offer except higher taxes and more spending and they want to spend the Social Security surplus.

The President himself at the first of this year said that he wanted to spend 40 percent of the Social Security surplus. In the last few days he has come off of that. That is good. We welcome the President coming our way. But he will not come off of his new taxes. He has schemes to raise new taxes that we just heard. They either call them offsets or tough choices.

Not surprisingly, the President wants to increase spending. So the administration has concocted a laundry list of new taxes and user fees of all kinds to cover some of it. Tough choices, they say.

This taxing and spending has to stop. The American people want it stopped. Tough decisions need to be made to restrain spending, not increase it. The demagogues on the left, Mr. Speaker, always like to claim that Republican legislation hurts the poor, but overtaxation is one of the main factors that prevents the working poor from moving up. We must not add to the burden already on the backs of working Americans.

We have surpluses. Can we not restrain ourselves to just spend the surpluses? But that is not good enough. They want more spending, above the surpluses, and they want to raise taxes to pay for it. Surpluses mean overtaxation. That means the American people are paying more than we need to run the government.

Mr. Speaker, Americans need tax cuts, not tax hikes. I urge all of my colleagues to vote against these outrageous tax increases on the American people.

Mr. MCDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the leader of the Democratic side.

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

Mr. GEPHARDT. Mr. Speaker, this is not a serious attempt to resolve the budget which we should be doing. It is frankly a stunt. It is another gimmick. It is another way to not address the serious issues that are before us.

The Republicans say that the Republican budget does not spend Social Security. The Congressional Budget Office already says that at least $14 billion we are into Social Security under the Republican-passed appropriation bills. If we take out the unfair earned income credit proposal, it is over $20 billion that we have already gone into Social Security funds under the Republican-passed appropriation bills.

The President did have tax increases in his budget, offsets, whatever we want to call them. They were within an integrated budget. That budget did not pass the House. We are operating under a budget passed by the Republicans. The Republicans say that they pledged never to raise taxes, they pledged never to spend Social Security money. It has already been done in the bills that have been passed. I am even told there are ads running in districts saying that the Democrats somehow did this.

It is time to stop the stunts. It is time to stop the gimmicks. It is time to stop trying to say that we are doing something or not doing something that we are doing. We all know the budget issues. There are answers to these problems that we can reach on a bipartisan basis. There is going to be a meeting this afternoon in the White House. Maybe the beginning of that discussion can go on.

What we owe the American people is honesty, what we owe the American people is a budget that saves Social Security, that puts money into Medicare which is needed, which takes care of education, which takes care of the 100,000 police that we so desperately need in every community. These are the issues that we should be addressing.

If we were serious about addressing the budget, a proposal like this one on the floor today would have gone through committee, would have been related to an entire budget and would have been a part of a new budget that we would be bringing to the floor today because the budget we passed cannot be implemented in the way we thought it was going to be implemented.

So let us stop the stunts. Let us stop the gimmicks. Vote against this proposal. Let us get down to work. Let us go to the White House today and sit down and see if we can work this out and make sense of it. Working in a bipartisan way and in an honest way with the American people, we ought to be able to get this done.

Mr. TERRY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCKEON), chairman of the Subcommittee on Postsecondary Education, Training and Life-Long Learning.

Mr. MCKEON. Mr. Speaker, last fall the President signed the Higher Education Amendments of 1998 into law after overwhelming bipartisan votes in both the House and the Senate. Three months later in their budget submission, the administration was back proposing deep cuts in the student loan program designed to jeopardize the lender-based Federal family education loan program.

Lenders, in cooperation with guaranty agencies, have served students, families and institutions for 30 years. They currently provide $25 billion annually for new student loans. This represents 70 percent of all student loans made each year. The administration's proposal to recall all the remaining reserve funds held by guaranty agencies does nothing more than severely hamper the ability of these agencies to provide quality services to students and their families as well as institutions of higher education and lenders participating in the program. At the same time, it gives the Department of Education more money to spend on promoting the direct student loan program and other initiatives of the President that are not supported by a majority of the Congress.

The Balanced Budget Act of 1997 and the Higher Education Amendments of 1998 included the recall of more than one-half the reserve funds held by the guaranty agencies. The remaining reserve funds may only be used for the payment of insurance claims filed by lenders in the event a student fails to pay his or her student loan.

I believe that allowing guaranty agencies to retain some reserve funds is a prudent course of action. Lenders are not going to invest the $25 billion annually if they have concerns about being paid in a timely fashion when a student fails to pay on a loan.

The Higher Education Amendments of 1998 included several provisions designed to promote cost effectiveness in the administration of the student loan program by lenders and guaranty agencies. In order to see results, we must give the newly restructured financing plan included in the amendments time to work. Any changes in costs or revenues as proposed by the President may cause the failure of many of these entities and then we will have a true crisis in the availability of student loans for students across the country.

I urge my colleagues to reject this offset by the administration and vote down this legislation.

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

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

Mr. CARDIN. Mr. Speaker, I rise in opposition to this misguided attempt to represent the President's budget. Rather than distorting the President's budget proposal, we should be working together to find a bipartisan solution to the budget problems.

The debate over the appropriate level of discretionary spending ties into the Republican leadership's repeated promises not to threaten Social Security. But these promises fly in the face of the Congressional Budget Office analysis which shows that the Republicans have already spent tens of billions of dollars of Social Security money. They have used every accounting gimmick ever devised, and come up with a few new ones, including the infamous 13th month and designating the constitutionally-required census as an emergency. At the same time, they have criticized the President and those of us on this side of the aisle who strongly support adequate funding for education, environmental protection, housing, the Middle East peace process, and other priorities of the American people.

Yet the amount of funding under discussion on the appropriation bills is dwarfed by the great Social Security raid of 1999. That legislation, which the

Republican leadership put forward under the title the Taxpayer Refund and Relief Act, simply backed the truck up to the Treasury and emptied it. That plan to cut taxes by $792 billion over 10 years represented a severe threat to the future solvency of Social Security. Fortunately, the President vetoed the tax bill. That veto occurred a month ago, on September 23. We have had the veto message 26 days. While the majority has found time to schedule this meaningless bill this afternoon, somehow it has not found time to schedule the vote on the President's veto. The tax bill, the crown jewel of the majority's legislative agenda for the year, remains bottled up in the Committee on Ways and Means collecting dust.

After we complete this debate, I will offer a privileged motion to discharge the Committee on Ways and Means from further consideration of the tax bill. I would hope that my Republican colleagues will take this opportunity to demonstrate their newfound commitment to preserve Social Security by voting to sustain the President's veto.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. POMBO), the chairman of the Subcommittee on Livestock and Horticulture of the Committee on Agriculture.

Mr. POMBO. I thank the gentleman for yielding me this time.

Mr. Speaker, this debate is not about diversion or delay. This debate is about tough choices. We saw the President's spin machine out all weekend long talking about tough choices, but they did not want to tell people what those tough choices were. Those tough choices include a massive tax increase. One of those tax increases is a tax increase on the meat producers across this country. The bulk of that $500 million tax increase is going to come out of the hide of our producers all across this country.

Now, for Members that represent farm States that have substantial livestock production in their States, they have got to know that this is going to be a tax directly on those producers. At a time when we have historic lows in prices, when we have an extremely difficult time for our livestock producers to make it, to break even on their product, we are talking about increasing their taxes.

That is one of the tough choices that the President keeps talking about. That is one of the things that he wants to lump on all of us. I think that everybody ought to have a chance to vote on that tough choice.

□ 1400

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, there are a couple of strong hints that should make people suspicious as the majority brings this bill to the floor—hints that this bill is nothing more than a cynical effort to embarrass the President.

First, we are being asked to consider the offsets from the President's budget but with no mention, no consideration, of the funding priorities for which the President proposed the offsets in the first place. Priorities like extending the solvency of Social Security and Medicare, providing the resources to hire new police officers and new teachers, and funding to allow States and localities to preserve land for conservation or recreation.

The second hint that this bill is a farce and an attempt to distract us from the real issues is apparent when we consider what our Republican friends are not saying, in fact what they are studiously avoiding mentioning, namely, the spending offsets that they have themselves proposed.

First, remember, they proposed taking away $3 billion dollars in TANF funds, funds dedicated to moving people off of welfare and on to work, but the Republican governors objected, so they backed off from that.

Then they engineered the passage in the Appropriations Committee of an amendment to delay the payments of earned income tax credit benefits to the working poor. This was nothing less than a tax increase on the working poor, people who work hard every day and struggle to make ends meet. Governor George W. Bush objected to that, you will recall, so they now have pulled that proposal back.

And now our Republican friends are talking about across-the-board spending cuts to appropriations bills. They need to find $23 billion in savings. That would require 6.6 percent across the board cuts in all programs, for example $18.2 billion in defense and $1.4 billion in veterans health care, and even more if we exempt those categories, so that cuts in Head Start, health research, education, environmental protection, and other critical programs would be even deeper.

Instead of today's cynical effort to embarrass the President, the majority should be working with the minority to produce conference reports on the remaining appropriations bills which can gain bipartisan support and be signed into law by the President. We did it with the VA–HUD appropriations bill; there is no reason why we cannot do it with these remaining appropriations bills.

We need to stop the political grandstanding, and we need to deal honestly and in good faith with the fiscal situation that our country faces.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank my colleague from Nebraska for yielding this time to me.

Mr. Speaker, when one considers the overall context of the Federal budget in our national economy, it is really just incredible that the President wants to raise taxes.

First of all, Federal spending is higher than it has ever been. Thus, government is bigger than it has ever been. Federal taxes are higher than they have ever been in peace time, consuming almost 21 percent of our Nation's entire economic output, and even after we set aside all of the Social Security funds for Social Security and for retiring the debt, we still have unprecedented surpluses projected as far as the eye can see.

Now when taxpayers are paying more than it takes to fund the biggest Federal Government in history, when paying more than it takes to retire $2 trillion in debt; in fact, paying a trillion dollars more over the next 10 years than it takes to do all of that, Mr. Speaker, it is obvious to me that taxes are too high. For the President to propose adding to this record high tax burden is frankly outrageous.

We need to lower taxes and restore to working Americans the freedom to decide how they want to spend their own money, not raise their taxes.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the American public is crying out to the majority: stop the posturing. They want production when it comes to the budget, not more politics; and the Republican majority here simply has not produced.

As my colleagues know, there is something unreal about all this. We are 3 weeks into a new fiscal year, and they are still stuck in the mud on appropriations bills.

This particular legislation is a smoke screen. It is an effort to hide, first of all, their ineptitude; secondly, the fact that they, the Republican majority, has already, already incurred into Social Security funds is also a smoke screen to attempt to hide their inability to act on key issues, education, Social Security reform, Medicare.

The public can see through this smoke screen, and they can spend ten millions of dollars on television, and it will not work. There are three words that I think apply to them in this bill: stop the posturing.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding this time to me; and, Mr. Speaker, I also rise in opposition to H.R. 3085, and I disagree somewhat with the tenor of what we have heard here today. The way I look at it, there are two ways to really balance the budget. One is we can take all our spending and try to get it down inside of the revenues which we have for that year.

The other way, and that is what Republicans are trying to do, the other way is that we can spend all the money that we have in revenues and then add more money to it. To do that we have

to have a tax increase, and that is what the President has chosen to do by a sum of $19 billion.

But I have not heard those words escape from his lips since he came in here and made that announcement about what he was doing, nor does the press ever mention that either, that basically the President cannot balance this budget unless he increases the taxes by the $19 billion.

In my judgment this is not a gimmick. It just puts it in perspective. If the minority party does not want to embarrass the President, it is simple. They can support what the President's proposal is. If they do not, then in that case they have abandoned what the President's basic budget proposals are.

I am glad there is a summit. I think it is incumbent upon the President to call that summit. He has finally done that, and I hope they can go down there and work out the problems, but hopefully without a tax increase.

We should defeat this legislation.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, earlier this week President Clinton vetoed the foreign aid appropriations bill because he wanted to spend $4 billion more overseas. The President did not say, however, where that money is to come from.

Mr. Speaker, make no mistake about it. Any increase in foreign aid will come directly from the Social Security Trust Fund.

146 days ago House Republicans and Democrats joined together to pass my legislation, H.R. 1259, the Social Security and Medicare Safe Deposit Box of 1999, by an overwhelming 416 to 12 vote. The House of Representatives has made a commitment to not spend one penny of the Social Security Trust Fund on unrelated programs.

Mr. Speaker, Republicans and Democrats must again join together and prevent President Clinton from spending Social Security funds on additional foreign aid.

Mr. MCDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, 19 days after the beginning of the new fiscal year, I have just one question for my Republican colleagues: Where is the Republican secret budget plan? I cannot find it anywhere. I cannot find it in the seats on the floor of the House. I visited committee rooms; I cannot find the secret budget plan of the Republicans there. I have asked some of the pages. They do not seem to know where it is. I have asked my Democratic colleagues. They have not seen the Republican budget plan, the secret plan they have to balance the budget without using Social Security taxes. Maybe I should ask the FBI. I wonder if the CIA knows where the secret Republican budget plan is 19 days after the beginning of the new fiscal year. As my colleagues know, that could be a problem. It might be 25 years if the CIA has it as a classified document. Perhaps we should go up into the classified room at the top of the capitol and find the Republicans' secret plan now in mid-October.

Mr. Speaker, I would be glad to yield the rest of my time to the author if he can show me a copy of the Republicans' secret plan to balance the budget. Even if they have a nonsecret plan, I would be glad to yield the rest of my time. But if he does not have a copy of the plan, I imagine he has not seen it because nobody else has found it anywhere.

At least let me make this point. While I will vote against this resolution, I imagine the President does not even support it and the author will not support it. At least the President was honest enough to present to the American people a plan to pay for his budget. The same cannot be said of the Republicans who are running television ads that suggest they have a plan that they will not even present on the floor of this House.

Where is the secret plan?

Mr. TERRY. Mr. Speaker, we did vote on a budget.

Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

(Mr. MORAN of Kansas asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Kansas. Mr. Speaker, it is often hard to find good economic news for my constituents in Kansas. Many of them are farm families involved in farming and ranching, and with the historic low commodity prices that we are suffering through, there is not always good news.

But one of the areas of the Kansas economy that has had good news, that does provide Kansas families with jobs, is the aviation, the small general aviation industry; and it is an important segment not only of the Kansas economy but of the American economy, and part of the President's proposal to raise taxes by $240 billion is to significantly increase taxes on general aviation.

Mr. Speaker, I urge our colleagues not to adopt that proposal. It has been around a long time. It is risky; unintended consequences can occur; and our economy in Kansas and around the country can be detrimentally affected. Terrible impact upon safety, eliminating incentives for the FAA to be efficient and operate more smoothly, and significant administrative costs to administer this new tax scheme of $240 billion.

Mr. Speaker, I urge rejection. Protect the industry that is providing jobs in my State.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

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

Mr. Speaker, there have been some people saying on the floor here that this is a cynical effort to embarrass the President. Well, if the President's own proposal is an embarrassment to him, so be it.

I will tell my colleagues one thing that is absolutely cynical as a representative from a farm State in Iowa where we have a tremendous amount of livestock producers is the fact that the President has three additional taxes that he is putting on farmers at a time when they are in desperate needs, and he is sitting down here with an appropriations bill on his desk and will not sign it to help the farmers.

First of all, he has got a $9 million new fee for livestock producers, then he has got a $19 million new fee to be paid by grain farmers who are experiencing the lowest prices in history, and then, to top it off, the icing on the cake is a $504 million tax increase on pork producers and cattlemen and poultry producers, to come right out of their hides at a time of record low prices. It is cynical of the President to try and put our farmers out of business with these new taxes.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I rise to oppose this irresponsible and unnecessary package of tax increases on the American public. In an era of budget surpluses and fiscal restraint, the President's proposal to raise taxes in order to increase spending is just wrong for America. In addition to raising taxes on lower income people throughout the country, this proposed set of initiatives that we are debating today institutes a new tax on ships calling on United States ports. For the first time the President would place the entire financial burden for harbor maintenance on commercial vessel operators. In Washington State this new tax would devastate the ports of Tacoma and Seattle, would cause vessels to go to Canada or Mexico to unload their goods. In our State nearly one out of three jobs is linked directly to international trade. But implementing the President's new harbor maintenance tax would cripple our trade economy by making our ports uncompetitive when compared to nearby foreign ports.

Mr. Speaker, the American people are already overtaxed. I urge my colleagues to reject these Clinton tax increases.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, here we go again, another tax-and-spend proposal from the President, 19.2 billion in additional Federal spending of course paid for by working Americans. It is primarily, of course, in the tobacco tax, 24 cents and 94 cents, roughly a 300 percent increase to get another $8 billion, and also, of course, new regulation for poultry and egg producers. And

I would say to the President that increasing taxes either for poultry or egg producers or tobacco farmers, the main point is that the President, in a $2 trillion budget, surely he could find existing agencies to reduce spending.

□ 1415

You do not have to go after people who are trying to earn their living to pay taxes. What about the Federal bureaucracy up here like the Department of Energy. You are telling me you cannot find any way to reduce the Department of Energy or the Department of Commerce. These are large agencies that have existed for many, many moons here, and I think if we look at the figures of those agencies, there surely is some waste, fraud and abuse, and some overregulation there.

So, Mr. President, I think we have to say to you, do not increase Federal spending by taxes.

Mr. TERRY. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank my friend from Nebraska for yielding me this time.

I just want to say briefly, a previous speaker on the Democrat side that it is time for both to be honest. He said the President at least was honest about it, and I do appreciate that honesty. The President has said that we ought to raise taxes and fees on the American people over a 10-year period. This proposal would be $142 billion, based on the Office of Management and Budget, of new taxes and user fees.

What is more interesting, though, is if at the same time over those 10 years, if we look at the President's fiscal year 2000 budget, he dips into the Social Security Trust Fund to the tune of $334 billion, even with those tax increases. That is being honest. We have an honest disagreement.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Washington (Mr. MCDERMOTT) has 2 minutes remaining; the gentleman from Nebraska (Mr. TERRY) has 1 minute remaining. The gentleman from Nebraska has the right to close.

Mr. MCDERMOTT. Mr. Speaker, I would inquire of the gentleman as to how many speakers remain.

Mr. TERRY. Mr. Speaker, the gentleman from Illinois (Mr. WELLER) will use the remaining time.

Mr. McDERMOTT. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I think there is an old principle in public relations that if one is going to tell a lie, keep telling it. Just keep saying it, keep saying it, never admit. And certainly this business that we have not used any Social Security money is simply that.

Now, unless we do not believe CBO. I mean the majority hired the director of CBO, and in a letter on the 14th said that they have spent $14 billion of Social Security money.

Now, I do not know how one can get up here and talk about this wonderful lockbox we put out here. We told our colleagues it had no bottom in it, that they were going to let the money fall through and into the budget and that is exactly what they did. But they still continue to stand up here every, every speaker has said, and we have done all of this without touching the Social Security money. That is absolutely nonsense.

The fact is that this is a cynical way of obscuring what the problem is. The President was honest when he stood up there. He put a budget up here, he paid for it, and the principle around here used to be that the President proposes and the Congress disposes.

Now, the President came up and made a proposal, but my Republican colleagues cannot get themselves together to dispose. My colleagues cannot get themselves together to put a whole package together that makes sense. So, they go around here grabbing light bulbs: They see one is out up there, they grab that, they run and put it over there; they create a thirteenth month; you do all kinds of gimmicks.

I was in the State legislature for 15 years, and I have seen all of these gimmicks. None of them are new. They have all been used in State houses all over this country. My colleagues are using gimmicks to balance this budget, they say, and they use the money from Social Security besides. And then, when they are 3 weeks late, they run out here with this nonsense.

Mr. TERRY. Mr. Speaker, I yield the balance of our time for closing to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, just in response to my friend from Washington State here, October 1, the Congressional Budget Office stated that the Republican budget that is now moving through this process, the Republican balanced budget does not touch one dime of Social Security, the first time in 30 years.

Mr. Speaker, is it true? Is it true that Bill Clinton once again wants to raise taxes? Is it true that Bill Clinton wants to raise taxes on Americans by $238 billion? I looked back earlier this year when the President proposed this budget, he not only proposed $238 billion in tax increases, but he proposed taking 62 percent of the Social Security Trust Fund for Social Security and then almost 40 percent, or 38 percent, of the Social Security Trust Fund to spend on other things. Now, the folks back home say they want the raid on Social Security to stop.

The Republicans, as we worked through the balanced budget process, have made it very clear. We oppose Bill Clinton's taxes increases; we oppose Bill Clinton's proposal to raid the Social Security Trust Fund.

I plan to vote ''no'' on Bill Clinton's $238 billion tax hike.

This House has an opportunity today. If you support the President's tax hikes, vote ''aye,'' if you oppose them, vote ''no.'' Let us take a stand.

Mr. PACKARD. Mr. Speaker, I would like to encourage my colleagues to vote against H.R. 3085, the President's tax increase and user fee proposals which includes $19.2 billion in discretionary spending offsets. This bill provides for many of the new and increased user fees that were outlined in the President's fiscal year 2000 budget.

H.R. 3085 would not only increase the tax on cigarettes, it would also establish additional Medicare premiums for early retirees and displaced workers. Any claim that these taxes are necessary to fund the government next year without touching Social Security is false. There is a non-Social Security surplus of $14 billion. Washington should be returning money to taxpayers, not increasing the tax burden on working families already struggling to make ends meet.

At a time when Americans have overpaid their taxes and Congress has worked hard to provide tax relief, there is no reason to raise taxes on any American. Mr. Speaker, it is unacceptable for the President to ask Congress to initiate targeted taxes and user fees on certain American taxpayers merely to continue to bloat Federal spending. We have a budget surplus; there is simply no reason to raise taxes. We must continue to oppose all taxes that hurt our Nation's families and continue to work to reduce the tax burden for every American.

Mr. WELDON of Florida. Mr Speaker, I rise in opposition to this bill for many reasons. This bill represents the tax increases proposed by the President in his 2000 budget. We are currently engaged in a debate with the White House over whether or not the President's billions of dollars in new Federal programs will go forward.

We have several choices in Washington. The first option is to say yes to the President's spending plan and renew the raid on the Social Security surplus to fund them. This is a nonstarter. The Republican-controlled Congress has made it clear that we will not allow Social Security to be raided.

The second option is to increase taxes and fees so that more money can be taken out of the pockets of working Americans to pay for the President's programs. This too is a nonstarter. The Republican Congress has made it clear that we believe that the Federal Government already takes enough money out of the pockets of the American people and we are committed to lowering taxes, not raising them.

The third option is to exercise fiscal discipline and set spending priorities, recognizing the reality that ''we can't have it all.'' The President doesn't see this as doable. He just cannot say no to more spending.

Mr. Speaker, today's decision is about whether or not we are going to permit the Clinton-Gore administration to raise taxes and user fees to pay for larger government. By voting this bill down, we will be sending a strong message to the President that we will not raise taxes.

There are several taxes that would be particularly harmful to my constituents that I would like to address.

With respect to Medicare, the President has proposed a host of new fees on those who provide medical services to our senior citizens. This is on top of significant curbs on reimbursements to providers that have already been implemented over the past few years. I am very concerned over new user fees the administration has proposed on Medicare+Choice plans.

Just last year more than 300,000 seniors nationwide were forced to give up their Medicare+Choice plan because the reimbursement rates were so low that providers could not afford to serve seniors.

Just last week a major Medicare+Choice plan in my congressional district was forced to raise membership fees because of lower reimbursements from Medicare. Last year every Medicare+Choice plan in Polk County in my congressional district folded because they could no longer afford to offer care to seniors because the reimbursement rates were so low. Now the administration has proposed to impose higher user fees on these plans.

This is no way to expand access and choice for seniors and will only result in fewer seniors having access to Medicare+Choice plans.

In addition the President proposes costly user fees that will be passed on to average Americans that travel on our Nation's skyways.

The 15th district of Florida has witnessed dynamic, almost explosive amounts of growth in the aviation industry. This success has not been easy. It has taken years of hard work and could easily have the rug pulled out from underneath it by new user fees (i.e., taxes) that will cause the price of flying to increase.

This issue is of such a major concern that my constituents have taken the time and energy to fly up to visit me to share their serious concerns about user fees. I have heard from scores of my constituents who work for Rockwell Collins expressing their concerns about how these user fees could harm the ability of private pilots to own and fly their own planes which would have a devastating impact on their employment and industry as a whole.

Mr. STARK. Mr. Speaker, this bill is nothing more than a cheap shot attempt to embarrass the President by getting Congress to vote against provisions included in his budget.

If that were all it was, that would be bad enough. But, the effect of the legislation is far worse.

This bill puts Congress on record voting against user fees as a source for funding Medicare's administrative costs.

At the very same time, the Republican's Labor-HHS bill guts Medicare's administrative budget by cutting more than 18 percent—or $400 million—out of it.

Medicare needs to have its administrative budget funded in order to carry out vital tasks that impact people's lives. The Republican's Labor-HHS bill would cut in half the budget needed to inspect nursing homes and hospitals. That means that people will die—literally die—in poor quality nursing homes and hospitals across the country.

So, the message delivered by this bill today is that we will not support user fees. The next message from Labor-HHS will be that Congress will not fund Medicare's administrative budget through any other means.

And the result will be that people will die due to poor quality care, that Medicare will not be able to continue to improve its ability to root out fraud and abuse (which returns 9 dollars to every dollar spent) and that Medicare improvements will not be implemented because there will not be the work force to do the job.

This vote is another political game by people uninterested in good government. It does not deserve to be on the floor of the House of Representatives today or any other day.

There is much we need to be doing to improve Medicare—this takes us the absolutely wrong direction. I urge my colleagues to join me in opposition to this senseless, spiteful legislation.

REAUTHORIZATION OF THE SUPERFUND TAXES (SEC. 511)

Mr. BOEHLERT. Mr. Speaker, I strongly oppose the reinstatement of the Superfund excise taxes and corporate environmental income tax in H.R. 3085.

The express purpose of this reinstatement of the Superfund taxes is to raise almost $13 billion of new revenues to offset billions of dollars in increases in other Federal spending.

The President's proposal has nothing to do with raising revenue to run the Superfund Program. He is proposing a 10-year authorization of the taxes, with no adjustment to reflect the fact that the Superfund Program is winding down, and has reduced funding needs.

This is exactly opposite to the position taken by the Transportation and Infrastructure Committee in H.R. 1300, the Recycle America's Land Act. In H.R. 1300, our committee stated that the Superfund taxes should be commensurate with the revenue needs for the program, may be reauthorized at a lower rate, and may decline over time.

At this time, we estimate that tax revenue needs to fund H.R. 1300 are about $6 billion over 8 years, once you take into account other revenues into the Superfund Trust Fund. The President wants to use Superfund as an excuse to raise over twice that amount.

The Transportation and Infrastructure Committee has gone on record in opposition to building up huge surpluses in the Superfund Trust Fund to be used to offset other Federal spending. The Transportation and Infrastructure Committee has gone on record in opposition to what the President is trying to accomplish by proposing a 10-year extension of the Superfund taxes that fails to take into account the declining needs of the Superfund Program.

In addition, by proposing to use the Superfund taxes as a revenue offset, the President is ensuring that Congress cannot use part of those taxes directly to support Superfund liability relief.

H.R. 1300 provides Superfund liability relief for small businesses, recyclers, and people who sent ordinary garbage to a site. But the bill does so in a responsible fashion. It pays for the liability relief through direct spending offset by Superfund taxes.

By completely divorcing the Superfund taxes from the Superfund Program, the President's proposal kills any chance to provide relief to the small businesses, recyclers, and municipalities that have been caught up in the Superfund liability nightmare.

For all of these reasons, I strongly urge you to oppose any reinstatement of the Superfund taxes outside of the context of Superfund legislation. I urge you to oppose H.R. 3085.

HARBOR SERVICES USER FEE (PART V OF SUBTITLE E)

The administration's proposal to replace part of the existing harbor maintenance fee with a new ''harbor services fee'' has been universally rejected as unfair and unsound by maritime interests. These concerns have merit.

The proposal simply replaces one questionable fee structure with another.

Its potential impacts on existing and future port development are unknown and potentially disastrous to America's trade deficit.

Furthermore, the administration proposes to expand coverage of the existing fee to cover the Federal cost of construction of port improvements, in addition to their maintenance as with the current fee. This proposal is shortsighted and fails to recognize our ports as a comprehensive, national system on which the U.S. national security and economic interests depend.

We recognize that we must address the serious problem of having the ''export'' component of the existing fee structure struck down as being unconstitutional. However, the President's proposal simply substitutes one set of problems for another.

The transportation and Infrastructure Committee intends to address this matter as expeditiously as possible; meanwhile, we should not embrace this ill-advised, potentially dangerous proposal.

The maritime transportation industry already pays over 100 different fees and assessments. If there is to be a replacement for the harbor maintenance fee, it must be thoroughly reviewed for its potential impacts, not simply thrown together as some convenient revenue-raiser.

FEDERAL AVIATION ADMINISTRATION COST-BASED USER FEES (SEC. 811)

The President's budget proposed to increase aviation user fees by $7.1 billion from FY 2000–2004.

In FY 2000 alone, this would equate to a $1.5 billion tax increase on aviation system users.

This tax increase would be on top of the significant aviation tax increase enacted just 2 years ago in the Taxpayer Relief Act of 1997.

Under the 1997 tax act, aviation users will already pay about $9.2 billion in aviation excise taxes in FY 2000 through a wide variety of taxes, including: A 7.5-percent tax on airline tickets; a $2.25 flight segment fee; a $12 international arrival and departure fee; a 6.25-percent cargo waybill tax; a noncommercial fuel tax of 19.3–21.8 cents per gallon; and a commercial fuel tax of 4.3 cents per gallon.

In addition to these taxes paid into the Airport and Airway Trust Fund, the aviation industry and its users also pay corporate and individual taxes into the general fund, which traditionally has financed the general government services that FAA provides related to aviation safety and security.

The President's proposal to increase aviation fees by $7.1 billion was made without regard to the fact that there is already a $12 billion balance of funds paid by aviation users sitting in the Airport and Airway Trust Fund. Under the President's proposal, the trust fund balance would grow to $21 billion by the end of 2004, an increase of 75 percent in just 5 years.

The increased aviation fees proposed by the President were obviously not intended to fund increased aviation spending. They were proposed instead to offset other discretionary spending on nonaviation programs.

Not only does the President's proposal charge aviation system users more and use the increased aviation fees to offset nonaviation spending, it also makes aviation users cover the entire cost of the system—even the costs that are actually imposed by military and other government aircraft that use the system but do not pay taxes.

By zeroing out the general fund share of the Federal Aviation Administration's budget, the President's proposal makes aviation travelers foot the bill for aviation activities that benefit society as a whole.

The President's aviation user fee proposal is highly unfair to aviation users, and it should be rejected.

COAST GUARD VESSEL NAVIGATIONAL ASSISTANCE FEE (SEC. 821)

The President's proposal to charge ''user fees'' to vessel operators for navigational assistance is simply another ''revenue raiser'', or tax, and not a true user fee.

Furthermore, section 207 of the Coast Guard Authorization Act of 1998, signed into law by the President last November, prohibits any new maritime user fee through September 30, 2001.

Despite the statutory prohibition against his proposal, the President assumed collection of $41 million in fiscal year 2000 from maritime user fees.

RAIL SAFETY INSPECTION USER FEES (SEC. 861)

Administration proposal for full offset of Federal Railroad Administration costs ($87 million in FY 2000) is a rewarmed version of a law Congress specifically refused to extend in 1995 because of its unfairness and serious economic damage to smaller railroads.

Extensive hearing record before the Transportation and Infrastructure Committee showed that some small railroads were paying up to 17 percent of net income in user fees to support the Federal Railroad Administration; the administration's proposal to reinstate and expand these fees in very unfriendly to small business.

Other forms of transport do not pay the full cost of safety enforcement activities through user fees; these fees would not cover just enforcement, but even activities such as R&D.

SURFACE TRANSPORTATION BOARD USER FEES (SEC. 851)

This proposal would require full offset of STB's $17 million budget through ''user fees.'' But who are the ''users''? The administration proposal does not even attempt to identify who would pay the fees: the railroads, the truckers, any shipper who does file a complaint, any shipper who might file a complaint? there is also no standard for setting the fees, other than being ''fair and equitable.'' In all probability, this proposal would be found unconstitutional for excessive delegation and/or vagueness.

STB already offsets several million dollars of its costs through existing title 31 fees, such as for filing proceedings at the Agency. These have been increased substantially in recent years, resulting in numerous complaints from shippers about the excessive costs and deterrent effect on utilizing remedies at the STB. The administration proposal would necessarily increase the overall fee burden to over 5 times its present level.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Kentucky (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 3085, as amended.

The question was taken.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 0, nays 419, answered ''present'' 5, not voting 9, as follows:

[Roll No. 511]

NAYS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—5

Berman
Blumenauer
Capuano
Frank (MA)
Meehan

NOT VOTING—9

Buyer
Camp
Jefferson
Johnson (CT)
Lewis (GA)
Martinez
Ros-Lehtinen
Rush
Scarborough

☐ 1442

Mrs. CHENOWETH-HAGE, and Messrs. DICKEY, HOBSON, SMITH of Michigan, BRYANT, SHERMAN, WATKINS, SPENCE, OLVER, DOGGETT, GILMAN, CONYERS, KNOLLENBERG and MEEKS of New York changed their vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

## FINANCIAL FREEDOM ACT OF 1999

Mr. CARDIN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. CALVERT). The Clerk will report the motion.

The Clerk read as follows:

Mr. CARDIN moves to discharge the Committee on Ways and Means from further consideration of H.R. 2488, the Taxpayer Refund and Relief Act of 1999.

The SPEAKER pro tempore. The motion is privileged for consideration at this time.

☐ 1445

MOTION TO TABLE OFFERED BY MR. TERRY

Mr. TERRY. Mr. Speaker, I offer a motion to lay on the table this motion to discharge.

The SPEAKER pro tempore (Mr. CALVERT). The Clerk will report the motion.

The Clerk read as follows:

Mr. TERRY moves that the House lay on the table the motion to discharge.

PARLIAMENTARY INQUIRY

Mr. CARDIN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland will state his parliamentary inquiry.

Mr. CARDIN. Mr. Speaker, am I correct that, if this motion to table does not carry, the House would then debate for 1 hour my motion; and that if it carried, the House would then have an opportunity to vote either to sustain or override the President's veto on the Taxpayer Refund Relief Act of 1999?

The SPEAKER pro tempore. The adoption of the motion to table would constitute a final adverse disposition today of the motion to discharge without debate.

Mr. CARDIN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Nebraska (Mr. TERRY).

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

RECORDED VOTE

Mr. CARDIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 215, noes 203, not voting 15, as follows:

[Roll No. 512]

AYES—215

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

NOES—203

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

NOT VOTING—15

Buyer
Camp
Gutierrez
Jefferson
Johnson (CT)
Kennedy
LaTourette
Lewis (GA)
Martinez
McDermott
Porter
Radanovich
Ros-Lehtinen
Rush
Scarborough

☐ 1503

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. KENNEDY of Rhode Island. Mr. Speaker, on rollcall No. 512, a motion to table the Cardin of Maryland motion to discharge the Committee on Ways and Means of the veto referral of H.R. 2488—the tax-payer relief Act—had I been present, I would have voted "no."

## BANKING AND HOUSING AGENCY ACCOUNTABILITY PRESERVATION ACT

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3046) to preserve limited Federal agency reporting requirements on banking and housing matters to facilitate congressional oversight and public accountability, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3046

*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 ''Banking and Housing Agency Accountability Preservation Act''.

**SEC. 2. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.**

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022).

(2) Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099).

(3) Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213).

(4) Section 7(o)(1) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(1)).

(5) Section 540(c) of the National Housing Act (12 U.S.C. 1735f–18(c)).

(6) Paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

(7) Section 1061 of the Housing and Community Development Act of 1992 (42 U.S.C. 4856).

(8) Section 24(l) of the United States Housing Act of 1937 (42 U.S.C. 1437v(l)).

(9) Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3780).

(10) Section 232(j) of the National Housing Act (12 U.S.C. 1715w(j).

(11) Section 802 of the Housing Act of 1954 (12 U.S.C. 1701o) and section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536).

(12) Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027).

(13) Section 113(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5313(a)).

(14) Section 626 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5425).

(15) Section 4(e)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(e)(2).

(16) Section 205(g) of the National Housing Act (12 U.S.C. 1711(g)).

(17) Section 2546 of the Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990 (28 U.S.C. 522 nt.).

(18) Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)).

(19) Paragraphs (1) and (2) of sections 5302(c) of title 31, United States Code.

(20) Section 18(f)(7) of the Federal Trade Commission Act. (15 U.S.C. 57a(f)(7)).

(21) Section 333 of the Revised Statutes of the United States (12 U.S.C. 14).

(22) Section 3(g) of the Home Owners' Loan Act (12 U.S.C. 1462a(g)).

(23) Section 537(h)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (22 U.S.C. 262l(h)(2)).

(24) Section 304 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 304).

(25) Sections 2(b)(1)(A), 8(a), 8(c), 10(g)(1), and 11(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A), 635g(a), 635g(c), 635i–3(g), and 635i–5(c)).

(26) Section 17 of the Federal Deposit Insurance Act, other than subsection (h) (12 U.S.C. 1827).

(27) Section 13 of the Federal Financing Bank Act of 1933 (12 U.S.C. 2292).

(28) Section 202(b)(8) of the National Housing Act (12 U.S.C. 1708(b)(8)).

(29) Section 10(j)(12) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(12)).

(30) Section 2B(d) of the Federal Home Loan Bank Act (12 U.S.C. 1422b(d)).

(31) Section 1002(b) of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 nt.).

(32) Section 8 of the Fair Credit and Charge Card Disclosure Act of 1988 (15 U.S.C. 1637 nt.).

(33) Section 136(b)(4)(B) of the Truth in Lending Act (15 U.S.C. 1646(b)(4)(B)).

(34) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(35) Section 114 of the Truth in Lending Act (15 U.S.C. 1613).

(36) The 7th undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247).

(37) The 10th undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247a).

(38) Section 2A of the Federal Reserve Act (12 U.S.C. 225a).

(39) Section 815 of the Fair Debt Collection Practices Act (15 U.S.C. 1692m).

(40) Section 102(d) of the Federal Credit Union Act (12 U.S.C. 1752a(d)).

(41) Section 21B(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(i)).

(42) Section 607(a) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8106(a)).

**SEC. 3. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.**

(a) EXPORT-IMPORT BANK.—

(1) Section 2(b)(1)(D) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(D)) is amended—

(A) by striking ''(i)''; and

(B) by striking clause (ii).

(2) Section 2(b)(8) of such Act (12 U.S.C. 635(b)(8)) is amended by striking the last sentence.

(3) Section 6(b) of such Act (12 U.S.C. 635e(b)) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(4) Section 8 of such Act (12 U.S.C. 635g) is amended by striking subsections (b) and (d) and redesignating subsections (c) and (e) as subsections (b) and (c), respectively.

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) is amended by striking subsection (h).

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Pennsylvania (Mr. KANJORSKI) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. Kelly).

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

(Mrs. KELLY asked and was given permission to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise in support of H.R. 3046, the Banking and Housing Agency Accountability Preservation Act. I want to thank my distinguished colleagues on the other side of the aisle, the ranking minority member of the Committee on Banking and Financial Services, the gentleman from New York (Mr. LAFALCE), for his cosponsorship of this bill and for his cooperation in bringing the bill to the floor.

I also want to recognize the cosponsorship of the distinguished Chairman of the House Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH), the Chairman of the Subcommittee on Financial Institutions and Consumer Credit, the gentlewoman from New Jersey (Mrs. ROUKEMA), and the ranking minority member of the subcommittee, the gentleman from Minnesota (Mr. VENTO).

In a nutshell, this bipartisan bill sees to exempt from the impending December 21, 1999, sunset date a number of reports which have been identified as useful to the Committee on Banking and Financial Services or to the general public. Perhaps the most well-known of these is the semiannual Humphrey-Hawkins reports of the Federal Reserve Board to the House Committee on Banking and Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

While the combination of Chairman Greenspan's prudential stewardship of monetary policy and the Congress' more disciplined fiscal policy has produced the longest peace-time growth in modern times, no committee has a greater ongoing oversight obligation than the Committee on Banking and Financial Services with its jurisdiction over the Fed's conduct of monetary policy.

Simply put, it would be unthinkable not to hold the Fed precisely and regularly accountable for its conduct of monetary policy. Whether or not we succeed in getting this legislation to the President in time to continue the legislative mandate for regular congressional review of the Fed's conduct of monetary policy, it is the committee's intent to require the Chairman of the Board of Governors to report regularly on the state of the economy and the Federal Reserve's policy to sustain economic growth and promote the fullest credible employment of the American work force.

The upcoming sunset of the Humphrey-Hawkins report and various other banking and housing reports dates back to the Federal Reports Elimination and Sunset Act of 1995, Public Law 104–66, which ordered hundreds of annual, semi-annual, or other regular periodic Federal reports in a 1993 Clerk's Report, House document 103–7, to terminate in 4 years. The 1993 Clerk's Report cited thousands of Federal reports issued by the GAO, the President, Federal departments and agencies, advisory boards and commissions, and the judicial branch.

In principle, I concur with the spirit of the sunset law in eliminating outdated or wasteful reporting requirements. However, in hindsight, it appears that the law used a meat axe approach where a scalpel might have been more appropriate.

As a result of concerns about the sunset of the Humphrey-Hawkins reports which were brought to the attention of the committee earlier this year, the gentleman from Iowa (Mr. LEACH) instructed staff to review the 1993 Clerk's Report to assess the potential impact of the sunset law on policy matters under the Committee on Banking and Financial Services' jurisdiction. An early count identified approximately 270 reports that had some connection to the work of the Committee on Banking and Financial Services, ranging from reports by the Department of the Treasury and the Department of Housing and Urban Development, to certain reports by the President and various agencies, such as the Board of Governors of the Federal Reserve, the Federal Deposit Insurance Corporation, and the Export-Import Bank.

On closer examination, numerous reports did not appear to be affected by the sunset provision because they did not fall into the regular and periodic definition of the sunset law. Other reports among the 270 were the one-time reports only, or report requirements which had already expired, or been amended or repealed. Some reports were required from agencies that have since gone out of business.

In order to ascertain the need for the remaining active reports, the committee sent letters in April to several key departments and agencies, inviting their input. Most returned helpful comments. As might be expected, the committee's efforts confirmed that a large number of reports should sunset as scheduled, but also identified a group of reports that probably should be exempted from the sunset.

That latter group is found in section 2 of the bill. It includes, in addition to the Federal Reserve's semiannual Humphrey-Hawkins reports on monetary policy, such reports as the Fed's reports on the policy actions of the Federal Open Market Committee,

HUD's agenda of all rules and regulations, as well as an annual report on early defaults on FHA-insured mortgages, Treasury's reports on the Economic Stabilization Fund, and annual reports from the Export-Import Bank as well as various banking agencies.

Section 2 also includes a number of important consumer reports such as the Fed's survey of bank fees, and reports from the banking agencies describing actions each has taken to prevent unfair or deceptive acts or practices by banks to address consumer complaints.

In addition to Treasury, HUD, the Federal Reserve, and Ex-IM Bank, some of the other agencies covered by section 2 include the FDIC, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Housing Finance Board.

Finally, I might add that section 3 of the bill also includes, after consultations with the FDIC and Ex-IM Bank, provisions which will repeal a handful of additional reporting requirements not on the sunset list.

Mr. Speaker, this is a good bill.

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

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

Under the Federal Reports Elimination and Sunset Act of 1995, a host of periodic reports to Congress from agencies and departments throughout the government are slated to sunset on December 21, 1999, unless they are specifically reauthorized. This bill accomplishes that reauthorization for agencies and departments within the jurisdiction of the Committee on Banking and Financial Services.

The 1995 Sunset Act was not as broad as was originally believed when it was actually applied to specific reports. After an entire list of reports to Congress had been winnowed down by exceptions to the Act itself, by the fact many reports were not truly periodic, and by the fact that many periodic reports expired by their own terms, a limited list fell within the sunset provisions. This bill renews those which remain pertinent to today's conditions.

For a few examples, it reinstates reports having to do with discriminatory housing practices, assisted living, bank fees and services, credit card profitability, credit card prices, the Equal Credit Opportunity Act, the Truth in Lending Act, and the Neighborhood Reinvestment Act. Forty-two reports in all are reauthorized.

Perhaps most important among these are the President's Economic Report, the annual report of the Council of Economic Advisers, and the semi-annual Humphrey-Hawkins Report of the Federal Reserve. As to the latter, and in anticipation of press inquiries, I would note that the Federal Reserve has assured Congress that regardless of whether H.R. 3046 becomes law prior to December 21, 1999, the Federal Reserve will treat the present requirements of the Humphrey-Hawkins Act as law in the future. I hope this fact forestalls any speculation that Congress will be unable to do adequate oversight of the Federal Reserve should the December deadline be unobtainable.

Additionally, it would be my expectation that departments and agencies would submit those other reports listed in H.R. 3046 for this calendar year as if this bill were Public Law, since these documents are vital to oversight functions of the Committee on Banking and Financial Services.

Mr. Speaker, the example of the need for this law reflects what sometimes unintended consequences occur in the name of reform and hastily drawn activity as the 1995 act was.

I want to commend my colleagues on the other side, and particularly the gentleman from Iowa (Mr. LEACH), for recognizing that the oversight of the Congress, and particularly the Committee on Banking and Financial Services, is so essential, and that these reports are part of good government, to have the information and knowledge contained therein, if the Congress is to appropriately act.

I am pleased that we are doing this today in a bipartisan way with this legislation and that it was drafted and moved in that spirit.

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

Mrs. KELLY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA) and a cosponsor of this bill.

Mrs. ROUKEMA. Mr. Speaker, I thank my colleague, the gentlewoman from New York (Mrs. KELLY), and the gentleman from Pennsylvania (Mr. KANJORSKI) on the committee. They have really properly outlined the issue that is before us here today. And needless to say, I am rising in strong support of everything that they have stated, but would like to give my own perspective in addition on this subject.

As has been pointed out adequately by the two previous speakers, the clock is ticking here. And unless we act by December 31, valuable reports, like the Humphrey-Hawkins testimony, delivered by the Fed board chairman, will be badly impacted. It will be eliminated, and others, as have been outlined.

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But I think it is very important and to be commended that we be able to bring this bill before us today. But let me make this point. It is not an abstraction as far as our constituents and the customers at banks are concerned or the customers in housing projects are concerned. This is really a vehicle for continuing to protect those constituents in their dealings with these Federal legislative issues as well as with their bank down the street or their housing department.

I would like to make an observation here with respect to how we came to this situation, and it has been properly outlined and explained by the gentlewoman from New York (Mrs. KELLY) about the Sunset Act of 1995 and how it terminated or modified the statutory requirements of over 200 mandatory reports.

Now, I want to make the point that I supported that legislation at the time and I did think it was a common-sense piece of legislation. And by the way, I would still support a modification as it applies to other unnecessary duplicative reports. There is no question but that there are a lot of unnecessary reports that should be terminated. But in this particular bill, we have selected those that have clearly proven to be of essential value not only in terms of banking and housing but also in terms of how we deal with our economy through the Federal Reserve Board.

So we have used this time effectively to assess the need for certain reports, and we have here today before us the 50 reports that should be included in the areas of banking and housing.

Let me just conclude by making this observation. The recurring flow of timely and accurate information from the executive branch to the Congress is essential in terms of our oversight responsibilities as Members here and as a legislative body. And may I point out, this is a constitutional responsibility and it is part of the check-and-balance system of our Constitution, checks and balances between the legislative and executive branches of our Government.

So I think that the Federal Reports Elimination Sunset Act served a purpose. We reviewed it. And in these cases they proved absolutely essential to our serving our constituents well.

Mr. Speaker, I rise in strong support of H.R. 3046—the Banking and Housing Agency Accountability Preservation Act. The bill we are considering today, would allow the continued flow of information from the Executive Branch to the Congress on important issues relating to banking and housing.

Mr. Speaker. The clock is ticking. Unless we act by December 31, 1999, valuable reports like the semi-annual Humphrey-Hawkins testimony delivered by the Federal Reserve Board chairman on the state of the nation's economy and the Federal Reserve's annual survey on bank fees and services will be eliminated. The semi-annual Humphrey-Hawkins testimony given by the Federal Reserve Chairman is crucial information for the Congress in evaluating budget, tax and issues relating to our economy.

Reports on issues like bank fees and services are information that Congress must have if we are to accurately evaluate whether our current laws are adequate for protecting consumers. Other reports are important for Congress in determining if our current laws include the appropriate safeguards for protecting our deposit insurance system protecting bank customers.

The bill also continues a number of reports by the departments of Housing and Urban Development, Treasury, the Export-Import Bank, and the Federal Housing Finance Board.

These reports are critical to Congressional oversight and government accountability.

In 1995, Congress passed the Federal Reports Elimination and Sunset Act of 1995. This legislation terminated or modified the statutory requirement for over 200 mandatory reports to Congress, and sunsetted most other mandatory reports after four years. The intent of the Federal Reports Elimination and Sunset Act was to end the needless expense of hundreds of millions of taxpayer dollars each year on many Federal reports that are of minor value to the Congress and to our constituents—the American people. I supported that commonsense legislation then and still support the elimination of unnecessary and duplicative reports now.

However, there are many reports required by Congress that as these have been reviewed we have proven are vitally important—including the 50 reports that this legislation will continue in the area of Banking and Housing. The recurring flow of timely and accurate information from the executive branch to the Congress is essential to our oversight responsibilities as Members, and as a legislative body and our constitutional responsibility—i.e. this is part of the check & balance system of our democracy.

Support H.R. 3046.

I yield back the balance of my time.

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

Mr. Speaker, I believe this bill strikes a balance between ending waste in Government on the one hand and preserving congressional oversight and public accountability on the other. I urge my colleagues to lend it their full support.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 3046, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3046, as amended.

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

There was no objection.

## WOMEN'S BUSINESS CENTERS SUSTAINABILITY ACT OF 1999

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1497) to amend the Small Business Act with respect to the women's business center program, as amended.

The Clerk read as follows:

H.R. 1497

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

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Women's Business Centers Sustainability Act of 1999''.*

***SEC. 2. PRIVATE NONPROFIT ORGANIZATIONS.***

*Section 29 of the Small Business Act (15 U.S.C. 656) is amended—*

*(1) in subsection (a)—*

*(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and*

*(B) by inserting after paragraph (1) the following:*

*''(2) the term 'private nonprofit organization' means an entity described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code;''; and*

*(2) in subsection (b), by inserting ''nonprofit'' after ''private''.*

***SEC. 3. INCREASED MANAGEMENT OVERSIGHT AND REVIEW OF WOMEN'S BUSINESS CENTERS.***

*Section 29 of the Small Business Act (15 U.S.C. 656) is amended—*

*(1) by striking subsection (h) and inserting the following:*

*''(h) PROGRAM EXAMINATION.—*

*''(1) IN GENERAL.—The Administration shall—*

*''(A) develop and implement procedures to annually examine the programs and finances of each women's business center established pursuant to this section, pursuant to which each such center shall provide to the Administration—*

*''(i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and*

*''(ii) documentation regarding the amount of matching assistance from non-Federal sources obtained and expended by the center during the preceding year in order to meet the requirements of subsection (c) and, with respect to any in-kind contributions described in subsection (c)(2) that were used to satisfy the requirements of subsection (c), verification of the existence and valuation of those contributions; and*

*''(B) analyze the results of each such examination and, based on that analysis, make a determination regarding the viability of the programs and finances of each women's business center.*

*''(2) EXTENSION OF CONTRACTS.—In determining whether to extend or renew a contract with a women's business center, the Administration—*

*''(A) shall consider the results of the most recent examination of the center under paragraph (1); and*

*''(B) may withhold such extension or renewal, if the Administration determines that—*

*''(i) the center has failed to provide any information required to be provided under clause (i) or (ii) of paragraph (1)(A), or the information provided by the center is inadequate; or*

*''(ii) the center has failed to provide any information required to be provided by the center for purposes of the report of the Administration under subsection (j), or the information provided by the center is inadequate.''; and*

*(2) by striking subsection (j) and inserting the following:*

*''(j) MANAGEMENT REPORT.—*

*''(1) IN GENERAL.—The Administration shall prepare and submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of all projects conducted under this section.*

*''(2) CONTENTS.—Each report submitted under paragraph (1) shall include information concerning, with respect to each women's business center established pursuant to this section—*

*''(A) the number of individuals receiving assistance;*

*''(B) the number of startup business concerns formed;*

*''(C) the gross receipts of assisted concerns;*

*''(D) the employment increases or decreases of assisted concerns;*

*''(E) to the maximum extent practicable, increases or decreases in profits of assisted concerns;*

*''(F) documentation detailing the most recent analysis undertaken under subsection (h)(1)(B) and the determinations made by the Administration with respect to that analysis; and*

*''(G) demographic data regarding the staff of the center.''.*

***SEC. 4. WOMEN'S BUSINESS CENTER SUSTAINABILITY PILOT PROGRAM.***

*(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:*

*''(l) SUSTAINABILITY PILOT PROGRAM.—*

*''(1) IN GENERAL.—There is established a 4-year pilot program under which the Administration is authorized to make grants (referred to in this section as 'sustainability grants') on a competitive basis for an additional 5-year project under this section to any private nonprofit organization (or a division thereof)—*

*''(A) that has received financial assistance under this section pursuant to a grant, contract, or cooperative agreement; and*

*''(B) that—*

*''(i) is in the final year of a 5-year project; or*

*''(ii) to the extent that amounts are available for such purpose under subsection (k)(4)(B), has completed a project financed under this section (or any predecessor to this section) and continues to provide assistance to women entrepreneurs.*

*''(2) CONDITIONS FOR PARTICIPATION.—In order to receive a sustainability grant, an organization described in paragraph (1) shall submit to the Administration an application, which shall include—*

*''(A) a certification that the applicant—*

*''(i) is a private nonprofit organization;*

*''(ii) employs a full-time executive director or program manager to manage the women's business center for which a grant is sought; and*

*''(iii) as a condition of receiving a sustainability grant, agrees—*

*''(I) to an annual examination by the Administration of the center's programs and finances; and*

*''(II) to the maximum extent practicable, to remedy any problems identified pursuant to that examination;*

*''(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which a sustainability grant is sought, including the ability to raise financial resources;*

*''(C) information relating to assistance provided by the women's business center site for which a sustainability grant is sought in the area in which the site is located, including—*

*''(i) the number of individuals assisted;*

*''(ii) the number of hours of counseling, training, and workshops provided; and*

*''(iii) the number of startup business concerns formed;*

*''(D) information demonstrating the effective experience of the applicant in—*

*''(i) conducting financial, management, and marketing assistance programs, as described in paragraphs (1), (2), and (3) of subsection (b), designed to impart or upgrade the business skills of women business owners or potential owners;*

*''(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged;*

*''(iii) using resource partners of the Administration and other entities, such as universities;*

*''(iv) complying with the cooperative agreement of the applicant; and*

*''(v) prudently managing finances and staffing, including the manner in which the performance of the applicant compared to the business plan of the applicant and the manner in which grants made under subsection (b) were used by the applicant; and*

*''(E) a 5-year plan that demonstrates the ability of the women's business center site for which a sustainability grant is sought—*

*''(i) to serve women business owners or potential owners in the future by improving fundraising and training activities; and*

*''(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged.*

*''(3) REVIEW OF APPLICATIONS.—*

*''(A) IN GENERAL.—The Administration shall—*

*''(i) review each application submitted under paragraph (2) based on the information provided under subparagraphs (D) and (E) of that paragraph, and the criteria set forth in subsection (f); and*

*''(ii) approve or disapprove applications for sustainability grants simultaneously with applications for grants under subsection (b).*

*''(B) DATA COLLECTION.—Consistent with the annual report to Congress under subsection (j), each women's business center site that receives a sustainability grant shall, to the maximum extent practicable, collect the information relating to—*

*''(i) the number of individuals assisted;*

*''(ii) the number of hours of counseling and training provided and workshops conducted;*

*''(iii) the number of startup business concerns formed;*

*''(iv) any available gross receipts of assisted concerns; and*

*''(v) the number of jobs created, maintained, or lost at assisted concerns.*

*''(C) RECORD RETENTION.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 10 years.*

*''(4) NON-FEDERAL CONTRIBUTION.—*

*''(A) IN GENERAL.—Notwithstanding any other provision of this section, as a condition of receiving a sustainability grant, an organization described in paragraph (1) shall agree to obtain, after its application has been approved under paragraph (3) and notice of award has been issued, cash and in-kind contributions from non-Federal sources for each year of additional program participation in an amount equal to 1 non-Federal dollar for each Federal dollar.*

*''(B) IN-KIND CONTRIBUTIONS.—Not more than 50 percent of the non-Federal assistance obtained for purposes of subparagraph (A) may be in the form of in-kind contributions that exist only as budget line items, including such contributions of office equipment and office space.*

*''(5) TIMING OF REQUESTS FOR PROPOSALS.—In carrying out this subsection, the Administration shall issue requests for proposals for women's business centers applying for the pilot program under this subsection simultaneously with requests for proposals for grants under subsection (b).''.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—*

*(1) by striking paragraph (1) and inserting the following:*

*''(1) IN GENERAL.—There is authorized to be appropriated, to remain available until the expiration of the pilot program under subsection (l)—*

*''(A) $12,000,000 for fiscal year 2000;*

*''(B) $12,800,000 for fiscal year 2001;*

*''(C) $13,700,000 for fiscal year 2002; and*

*''(D) $14,500,000 for fiscal year 2003.'';*

*(2) in paragraph (2)—*

*(A) by striking ''Amounts made'' and inserting the following:*

*''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made''; and*

*(B) by adding at the end the following:*

*''(B) EXCEPTION.—Of the total amount made available under this subsection for a fiscal year, the following amounts shall be available for costs incurred in connection with the selection of applicants for assistance under this subsection and with monitoring and oversight of the program authorized under this subsection:*

*''(i) For fiscal year 2000, 2 percent of such total amount.*

*''(ii) For fiscal year 2001, 1.9 percent of such total amount.*

*''(iii) For fiscal year 2002, 1.9 percent of such total amount.*

*''(iv) For fiscal year 2003, 1.6 percent of such total amount.''; and*

*(3) by adding at the end the following:*

*''(4) RESERVATION OF FUNDS FOR SUSTAINABILITY PILOT PROGRAM.—*

*''(A) IN GENERAL.—Of the total amount made available under this subsection for a fiscal year, the following amounts shall be reserved for sustainability grants under subsection (l):*

*''(i) For fiscal year 2000, 17 percent of such total amount.*

*''(ii) For fiscal year 2001, 18.8 percent of such total amount.*

*''(iii) For fiscal year 2002, 30.2 percent of such total amount.*

*''(iv) For fiscal year 2003, 30.2 percent of such total amount.*

*''(B) USE OF UNAWARDED RESERVE FUNDS.—*

*''(i) SUSTAINABILITY GRANTS TO OTHER CENTERS.—Of amounts reserved under subparagraph (A), the Administration shall use any funds that remain available after making grants in accordance with subsection (l) to make grants under such subsection to women's business center sites that have completed a project financed under this section (or any predecessor to this section) and that continue to provide assistance to women entrepreneurs.*

*''(ii) ADDITIONAL GRANTS.—The Administration shall use any funds described in clause (i) that remain available after making grants under such clause to make grants to additional women's business center sites, or to increase the grants to existing women's business center sites, under subsection (b).''.*

*(c) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidelines to implement the amendments made by this section.*

***SEC. 5. EFFECTIVE DATE.***

*This Act and the amendments made by this Act shall take effect on October 1, 1999.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. KELLY).

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

Mr. Speaker, today the House considers H.R. 1497, the Women's Business Center Sustainability Act of 1999.

As a member of the Committee on Small Business, I know how important this bill is to Members on both sides of the aisle.

The committee held a hearing in February and thoroughly examined this program before drafting this legislation. The Committee on Small Business passed H.R. 1497 unanimously. Before I take a moment to explain the bill, I would like to thank the gentleman from Missouri (Chairman TALENT) for offering the amendment in the nature of a substitute that the committee marked up.

I would also like to thank the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business, for her help in moving this legislation forward.

Finally, I would like to thank the gentleman from New Mexico (Mr. UDALL), the author of H.R. 1497.

This Congress, the Committee on Small Business sought more information about the Women's Business Center Program as we considered reauthorization. It soon became clear that while the program was expanding around the country to States without centers, existing sites were experiencing obstacles to their own growth. H.R. 1497 addresses this concern.

This legislation balances the immediate needs of re-competition for centers in their fifth year of funding and the desire for new centers each year. The bill also allows for graduated centers to receive funding once the SBA selects the centers in their fifth year of funding to re-competition.

Since our hearing to examine this program in February, I have come to understand the urgent need for re-competition. But we must take a practical, well-balanced approach. That is what this pilot program is designed to do.

Next, I would like to take the opportunity to briefly explain the bill.

First, the legislation increases oversight and review of women's business centers. SBA is directed to do an annual programmatic and financial examination of each center and then to analyze the results to determine whether the center is programmatically and financially viable.

Second, H.R. 1497 requires the SBA to issue the request for proposals for new centers and centers competing for sustainability grants at the same time in order to better manage the selection and award process. This provision is intended to ensure that new centers and sustained centers get equal consideration during the application review process and that funds are appropriately awarded. With regard to sustainability grants, the SBA shall make awards in two rounds, giving preference to graduating centers.

Third, based on the conditions described in the bill, the committee intends for the selection panel to judge on merit how well a center provided service to its market under its first award and how it plans to service its market in the next 5 years. The committee wishes for the Small Business Administration to use the conditions for participation in the legislation as guidelines for establishing strict criteria for re-competition.

The bill goes a step further by requiring the SBA as part of the final selection process to do a site visit of each center competing for a sustainability grant. The committee feels strongly that site visits are an important tool to help panel judges distinguish between the centers and to improve the oversight program. Recognizing that site visits are expensive, this bill makes available the equivalent of $275,000 per year proportionate to appropriations to be used for site visits and other uses.

Fourth, H.R. 1497 incrementally raises over 4 years the annual authorization levels from $12 million in fiscal year 2000 to $14.5 million in fiscal year

2003. The committee increased the authorization levels to ensure that there are adequate monies to fund 45 existing centers, an average of eight re-competing centers, and an average of 10 new centers per year. The bill reserves a percentage of money each fiscal year for sustainability grants.

As an original cosponsor of H.R. 1497, I believe that this pilot program is the best approach to ensure that our invested Federal funds do not go to waste. As a former small business owner and co-chair of the Congressional Women's Caucus, I know how important this legislation is to our women-owned businesses. H.R. 1497 has been a top legislative priority of our Women in Business team, and I know our Members have been awaiting action on this bill.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first of all begin by thanking the gentlewoman from New York (Mrs. KELLY) for her original cosponsorship and her leadership on this bill and also thank the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for her very active support of this legislation that is critical for the further promotion of women's businesses throughout our country.

The Women's Business Centers Sustainabililty Act of 1999 is an essential enhancement of the Women's Business Center Program, which will strengthen and improve this important service. As all of us are aware, the contribution of women-owned businesses to our economy has grown exponentially over the past few decade.

Today the eight million women-owned firms in this country contribute more than $2.3 trillion annually to the U.S. economy and offer jobs to one out of every five U.S. workers.

Moreover, women-owned businesses are now starting at twice the rate of other businesses in the United States; and by the year 2000, it is expected that nearly one out of every two businesses will be owned by a woman.

In my home State of New Mexico, women-owned firms now account for 41 percent of all businesses, provide employment for over 35 percent of the State's workforce, and generates 21 percent of all sales. This success is even more remarkable in that it places New Mexico as the third most successful of all States in its number of women-owned business incorporations. This noble statistic identifies women-owned firms as necessary and as a necessary and essential part of New Mexico's efforts to improve the lives of all of its residents.

I would like to briefly tell my colleagues about Agnes Cordova of Taos, New Mexico. She has combined her cultural heritage with business acumen to create ''Sube,'' a multimedia, bilingual educational program designed to teach Spanish to preschool and early elementary children.

The set of flashcards, board games, videotapes with original music, and computer software have all been well-received in the local area, and plans are being hatched for broader marketing efforts.

Each component is offered separately so parents can afford the educational supplies that can supplement formal language education.

Agnes is now planning to develop materials for older kids, as well. By matching her heritage with business opportunity, Agnes is creating economic opportunity for herself and helping to preserve the unique culture of northern New Mexico.

One of the efforts responsible for the success of women-owned businesses in New Mexico and elsewhere throughout the country is the Small Business Administration's Women's Business Center program.

Currently there are 59 centers in 36 States, the District of Columbia, and Puerto Rico. These centers provide technical assistance, business information, and counseling and other specialized assistance to socially and economically disadvantaged women entrepreneurs.

The services provided by women's business centers include assistance in gaining access to capital, procuring government contracts, and helping women to work their way off public assistance.

In New Mexico alone, the six women's business centers run by the Women's Economic Self-sufficiency Team, WESST Corp., have already facilitated the start up and growth of over 600 small businesses, provided technical assistance to over 3,500 client firms, and conducted business-training activities for over 6,000 individual women entrepreneurs.

Most importantly, 81 percent of the clientele of these women's business centers have been low-income individuals and 47 percent have been women of color.

Nevertheless, in spite of their demonstrated contributions to the national economy and to individual women nationwide, recent surveys and testimonials have highlighted that many women's business centers have been forced to cut back on services or prematurely close their doors when they lose the support of the Small Business Administration's Office of Women's Business Ownership.

Today, 25 percent of the women's business centers initially funded by the SBA are closed.

□ 1530

Of this 25 percent, many are only partly operational. In fact, while several of the WESST Corp sites in New Mexico that have already lost SBA funding have been unable to continue providing programs, others have suffered considerably in their missions due to this critical loss of support.

This is why I introduced the Women's Business Centers Sustainability Act of 1999. This legislation will allow recompetition for Federal funding by women's business centers which have completed a funding term and will raise the authorization of appropriations for fiscal year 2000 and fiscal year 2001 women business center funding to ensure adequate funding for qualifying existing and new centers over the next 4 years. This funding will allow the SBA to continue to promote the establishment of even more women's business centers in communities throughout the Nation as well as to ensure adequate, continuing support for already established, effective centers.

The women's business center program has helped countless women start and expand their own businesses. It is vital that we continue to support this valuable program. I invite and encourage all of my colleagues to join me in supporting this legislation and I look forward to its bipartisan approval today.

Once again, Mr. Speaker, I thank the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Mrs. KELLY) for their support and for the support of the gentlewoman from New York (Ms. VELÁZQUEZ). None of this effort could have been completed without their leadership and support.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ). She is our ranking member and she has provided great bipartisan leadership in this committee.

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentleman from New Mexico (Mr. UDALL) for yielding me this time and I commend him for his work in authoring this important piece of legislation. I also want to thank the gentlewoman from New York (Mrs. KELLY) and the gentleman from Missouri (Mr. TALENT) for their continued commitment to women business owners.

Mr. Speaker, I rise in strong support of H.R. 1497, the Women's Business Centers Sustainability Act of 1999. This bipartisan effort will ensure that women's business centers keep their doors open. It will establish better oversight mechanisms and will ensure that the program continues to grow, with new centers in previously underserved areas. Our committee has a track record of supporting the work of these centers, and this bill is a continuation of our commitment.

Women entrepreneurs are an increasingly important part of the United States economy. Women own more than 8 million businesses and account for nearly one-third of all small businesses. Women-owned businesses provide jobs to more than 25 million people. These are not just empty statistics but rather a clear indication that women's participation in our economy creates jobs and improve the lives of millions of Americans.

Impressive as these figures may be, women continue to encounter obstacles

when trying to start, maintain or expand businesses. Here is where the women's business centers come into play, to help women steer clear of these obstacles and fulfill their dream of financial independence.

Fulfilling our commitment to women entrepreneurs, the committee recently held hearings that found that some centers, entering their fifth and final year, were not in a sufficiently strong financial position to phase out the Federal match. We also found that in order to improve the outreach of these services, the program needs to continue growing into underserved areas.

Recognizing the importance of women in today's economy as well as the important services these centers provide, our committee worked in a bipartisan fashion to resolve all of these issues.

Framed within budgetary constraints, the challenge facing our committee was to find the proper balance between the need to continue growing the program and permitting those in their last year of funding to recompete. H.R. 1497 strikes that balance by setting aside a portion of the total funding for new centers and another for recompeting centers. This is an important change that will allow centers with good track records to continue to provide their services while ensuring that the program will continue to expand into new and previously underserved areas.

Mr. Speaker, we recognize the importance of women businesses in today's economy and we recognize the important work these centers do, not only in improving women's lives but in improving their communities as well.

I urge my colleagues to join me in supporting women entrepreneurs across the United States by voting ''yes'' on H.R. 1497.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I thank the gentleman from New Mexico (Mr. UDALL) for yielding me this time. It is really wonderful to have this measure here before us. The gentlewoman from New York (Mrs. KELLY) and the gentleman from New Mexico (Mr. UDALL) have done an excellent job in bringing this forth to this floor.

Mr. Speaker, California is one of the biggest markets for products, especially in international trade. We recognize that women are the fastest growing segment not only in California but throughout the United States of the new business. These new businesses are so vitally important to the United States economy which is now currently providing more jobs than Fortune 500 companies, if one can envision that. Women-owned businesses now provide more jobs than the Fortune 500 companies. These nearly 8 million women-owned businesses provide jobs for 18.5 million people and generate $3.1 trillion, with a T, we have heard it before, I want to reiterate it, in revenue for this country.

Women-owned businesses are the fastest growing segment of business. From 1987 to 1997, the number of people employed by women-owned businesses grew by 262 percent. They have been booming and will continue to boom with some help from us. These are just some of the reasons why we cannot and we must not neglect women-owned businesses. With the welfare-to-work programs currently under way and the ever-growing labor pool, the jobs that these small businesses will provide are sorely needed to address the shortfall in jobs in the United States. Unless we pay attention to the needs of small business owners, we risk losing or at least hampering an important job creator.

These women-owned businesses need help in identifying loan institutions. I am not sure how many of us really understand that with the merger of large banks, small business, especially women-owned business, find it harder and harder to get loans from banks and loan institutions. This will be one area of assistance to provide for sorely needed identification of these institutions, help the business women develop business plans and follow through to make sure and ensure their success.

That is why I support H.R. 1497, the Women's Business Centers Sustainability Act. This provides for 10 new women's business centers that can help diverse and up-and-coming community entrepreneurs. We need them and we need to help them be able to grow and foster that job growth in our communities. In the very communities we talk about, these women entrepreneurs need just a little help in obtaining more information and making the contacts necessary to become successful business owners.

This bill is a step in the right direction. I certainly look forward to moving more in the future to help women-owned small business. These 10 new centers are certainly going to provide a boon for our economy. I look forward to working with the committee and my colleagues.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Let me first of all say that the action of the Committee on Small Business in this bipartisan passage of this bill I think is very important. I want to once again thank the gentleman from Missouri (Mr. TALENT), the gentlewoman from New York (Ms. VELÁZQUEZ) and also the gentlewoman from New York (Mrs. KELLY). The Committee on Small Business, its hallmark has really been bipartisanship. We have been very productive in the 9 months we have been working on issues. I daresay we have one of the most outstanding records of any committee in this House.

I would also like to thank all of the staff members for their very hard work on this bill and what they have done to help shape it and bring it to this point and particularly recognize Michael Day.

Mr. Speaker, let me begin my remarks today by thanking the Chairman and the Ranking Member for their active support of this legislation that is critical to the further promotion of women's businesses throughout our country.

The Women's Business Centers Sustainability Act of 1999 is an essential enhancement of the Women's Business Center Program, which will strengthen and improve this important service.

Over the past few decades the contribution of women-owned businesses to our economy has grown exponentially. Today, the 8 million women-owned firms in this country contribute more than $2.3 trillion annually to the U.S. economy and offer jobs to one out of every five U.S. workers. Moreover, women-owned businesses are now starting at twice the rate of all other businesses in the United States, and, by the year 2000, it is expected that nearly one out of every two businesses will be owned by a woman. In my home state of New Mexico, in particular, women-owned firms account for 41% of all businesses, provide employment for over 35% of the state's workforce, and generate 21% of all sales. This success is even more remarkable in that it ranks New Mexico third of all the states in women-owned business incorporations—a statistic that identifies women-owned firms as an important part of New Mexico's efforts to improve the lives of all its residents.

One of the efforts responsible for the success of women-owned businesses is the Small Business Administration's Women's Business Center program. Currently, there are 59 centers in 36 states, the District of Columbia and Puerto Rico. These centers provide technical assistance, business information and counseling, and other specialized assistance to socially and economically disadvantaged women entrepreneurs. The services provided by women's business centers include assistance in gaining access to capital, procuring government contracts, and helping women to work their way off public assistance. In New Mexico alone, the six women's business centers run by the Women's Economic Self-Sufficiency Team (WESST Corp.), facilitated the start-up and growth of over 600 small businesses, provided technical assistance to over 3,500 client firms, and conducted business-training activities for over 6,000 individuals. Most importantly, 81% of the clientele of these women's business centers have been low-income individuals and 47% have been women of color.

The impact of women's business centers in New Mexico is illustrated through a number of success stories that were told by Agnes Noonan, Executive Director of the WESST Corp., during a recent hearing on women's business centers:

Heidi Montoya's desire to run her own firm grew out of the frustrations of working for years as a draftsperson for a company which offered few benefits and no retirement opportunities. In 1989, Heidi took the leap, opening Builders Hardware of New Mexico, which sells commercial grade doors and frames and finish hardware. Heidi and WESST Corp. joined forces when Heidi attended an orientation meeting, and WESST Corp. granted Heidi a loan for a computer that enabled her to create a presence on the Internet and market more effectively to government agencies. Since 1993, Builders Hardware's

gross sales have increased by 129%. A single mother, Heidi maintains a second office at home for after-school hours.

Two years ago, Diane Barrett was receiving food stamps, sleeping on a friend's floor and struggling to provide for her son. But she also had a background as a chef. In 1996, Diane approached WESST Corp.'s regional office in Las Cruces, which helped her create a business plan and receive a $5,000 loan to open a bakery and café. Since then, Diane has expanded the seating area, added a dinner menu, and is currently employing 19 people. In 1998, Diane's Bakery and Café was selected as the Mainstreet Business of the Year in Silver City, New Mexico. Recently interviewed by the Travel Section of the New York Times, Diane is a great example of how hard work and commitment to a business pays off.

Norma Gomez, a native of Mexico, came to the United States in the 1980's. On welfare, with three children and limited proficiency with English, Norma had difficulty being taken seriously when the opportunity arose to open her own business. With her small savings, she opened her shop in a strip mall in Farmington, only to find the overhead exceeded her income. She came to WESST Corp. for help with planning, marketing and financing assistance. With technical assistance from WESST Corp., Norma relocated, adopted an inventory tracking system, and developed a long-term business plan. WESST Corp. also convinced suppliers to provide Norma with accounts and better terms. The result of these efforts was a 300% increase in profits in the first year.

Agnes Cordova, of Taos, New Mexico, has combined her cultural heritage with business acumen to create ''Sube!''—a multimedia, bilingual educational program designed to teach Spanish to preschool and early elementary children. The set of flash cards, board game, videotapes with original music, and computer software have all been well received in the local area and plans are being hatched for broader marketing efforts. Each component is offered separately so that parents can afford the educational supplies that can supplement formal language education. Agnes is now planning to develop materials for older kids as well. By matching her heritage with business opportunity, Agnes is creating economic opportunity for herself and helping to preserve the unique culture of northern New Mexico.

Nevertheless, in spite of their demonstrated contributions to the national economy and to individual women—recent surveys and testimonials have highlighted that many women's business centers have been forced to cut back on services or prematurely close their doors when they lose the support of the Small Business Administration's Office of Women's Business Ownership. Today, twenty-five percent of the women's business centers initially funded by the SBA are closed—and of this twenty-five percent, many are only partly operational. In fact, while several of the WESST Corp. sites in New Mexico have already lost SBA funding and have been able to continue providing programs, others have suffered considerably in their work due to the loss of support.

To address this problem, the Women's Business Centers Sustainability Act of 1999 will allow re-competition for Federal funding by Women's Business Centers which have completed a funding term, and will raise the authorization of appropriations for FY 2000 and FY 2001 Women Business Center funding from $11 million to $12 million per year.

The Women's Business Center program has helped countless women start and expand their own businesses. It is vital that we continue to support this valuable program. I invite and encourage my fellow colleagues to join me in supporting this program.

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

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

In conclusion, I want to state that H.R. 1497 has broad bipartisan support. As the gentleman from New Mexico (Mr. UDALL) pointed out, this is a very bipartisan committee. We work well, and I believe that that bipartisanship works very well for sound public policy.

As I stated earlier, this legislation passed the Committee on Small Business unanimously. Again, I would like to thank the gentleman from Missouri (Mr. TALENT) for his efforts on this legislation. I would also like to thank the gentlewoman from New York (Ms. VELÁZQUEZ) and the entire Committee on Small Business for their work on this important legislation.

Finally, I would like to commend the exceptional staff work that was performed on this legislation. Meredith Matty of the committee's majority staff and Michael Day of the committee's minority staff worked tirelessly on this issue and were instrumental in developing the legislation before us today as was Mr. Harry Katrichis.

I urge all of my colleagues to support H.R. 1497.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my strong support for passage of H.R. 1497, the Women's Business Centers Sustainability Act. H.R. 1497 raises the authorization of appropriations for Women's Business Centers for fiscal year 2000 to $12 million up from the current authorization level of $11 million. Moreover, the bill increases the authorization rates to $13 million in fiscal year 2001, $14 million in fiscal year 2002, and $15 million in fiscal year 2003.

The Small Business Administration's Women's Business Centers program supports 80 centers in 47 states, the District of Columbia, Puerto Rico, and the Virgin Islands. These centers provide technical assistance, business information and counseling, and other specialized assistance to socially and economically disadvantaged women entrepreneurs.

H.R. 1497 will have a dramatic impact on the growth of women's business centers as 60 percent of the funds will be reserved for new centers, enabling women in more communities and states to receive the economic and social benefits of the program.

Hawaii's Women's Financial Resource Center (WFRC), based in Honolulu, was first funded in 1999. WFRC works with women from diverse ethnic and cultural backgrounds, including Native Hawaiian, Samoan, Fijian, Korean, Japanese, Filipino, and Chinese. Under WFRC's program, each client receives an individual assessment, which includes training in writing business plans, a marketing study group, and a monthly networking and information meeting. WFRC provides special topic workshops, such as ''Designing Brochures and Flyers,'' ''Taxes for the Small Business Owner,'' ''Taking the 'Starving' Out of Artist,'' and ''Starting a Home-Based Business.'' The center has also entered into a partnership with the Chamber of Commerce of Hawaii to provide distance/correspondence training. Within the next five years, WFRC plans to have subcenters on at least two other islands.

Women's businesses are starting at twice the rate of all other businesses. We must do all we can to ensure that disadvantaged women are given the information and assistance they need to become full participants in our economy.

Ms. SCHAKOWSKY. Mr. Speaker, I commend my colleagues on the Small Business Committee for their work on H.R. 1497, the Women's Business Center Sustainability Act of 1999. This legislation, before the House today will improve the Small Business Administration's Women's Business Center Program.

The women's business center program has helped start and improve woman-owned businesses in my district and across the country. During my service on the Small Business Committee I heard two suggestions from women's business center directors: Make funds available to start women's business centers in every state, and allow women's business centers to re-compete for federal matching funds after their fifth year of existence.

Today, with passage of H.R. 1497, we will authorize this program through the year 2001 and make women's business centers eligible for another five years of federal matching funds. Legislation from earlier this session increased fiscal year 2000 funding for the women's business center program by $3 million and ensured full funding in the fifth year of operation for women's business centers.

Women-owned businesses contribute greatly to the American economy and represent the fastest growing type of American business. With passage of today's legislation and legislation from the Small Business Committee passed earlier this session, we have acknowledged the importance of woman-owned businesses and have made clear our commitment to their success. Support for the women's business center program translates into successful woman-owned businesses. I commend my colleagues for bringing this bill to the floor, I urge all members to vote in support, and I salute the Woman Business owners and women's business centers across the country.

Ms. SANCHEZ. Mr. Speaker, in my state and across the country, women are playing an ever growing role in the business world. I am pleased that the number of women and minority owned businesses in the state of California continues to grow.

With Business Women's Network (BWN) having its Global Summit in Washington D.C., now is the perfect time to recognize the growing power that women have in the business world. There are delegates from over 47 states and 97 countries participating in the summit which is celebrating diversity in the business world. The major theme of the summit is the use of cutting-edge technology to create More Business for More Women Across More Borders.

Knowing the importance of women in the business world and realizing the growing influence of BWN, I join my colleagues in asking that October 19 be recognized as Global Business Women Day.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1497, the Women's Business Centers Sustainability Act. This bill reauthorizes the Women's Business Center Program through fiscal year 2003.

I support this bill because the Women's Business Centers are instrumental in assisting women with developing and expanding their own businesses. The centers provide comprehensive training, counseling and information to help women succeed in business.

Specifically, this bill authorizes $12 million for fiscal year 2000; $13 million for fiscal 2001; $14 million for fiscal year 2002; and $15 million for 2003. For existing WBC projects, 40 percent would be designated and the remaining funds would support new programs. New centers would receive up to $150,000 per year in federal funds.

This bill also creates a 4-year pilot program that makes competitive grants for an additional five years to non-profit women's business center organizations.

The Women's Business Center is a part of the Small Business Administration and provides long-term career training and counseling to potential and current women business owners. They operate in 36 states, including the District of Columbia and Puerto Rico.

Women are starting new businesses at twice the rate of men and own almost 40 percent or 8 million of all small businesses in the United States. Women of color own nearly one in eight of the 8 million women-owned businesses or 1,067,000 businesses.

Women start businesses for a variety of reasons. With the recent spate of corporate downsizing in large companies and the various changes in the marketplace, small businesses are becoming a vital part of the economic stability of the country.

Women often start businesses because they want flexibility in raising their children, they want to escape gender discrimination on the job, they hit the glass ceiling, and many desire to fulfill a dream of becoming an entrepreneur. We should continue to encourage this current trend of women-owned businesses by supporting the Women's Business Center Sustainability Act.

The Women's Business Centers offer women the tools necessary to launch businesses by providing resources and assistance with the development of a new business. This includes developing a business plan, conducting market research, developing a marketing strategy, and identifying financial services. The centers also offer practical advice and support for new business owners.

Access to this information is essential to success in small business. The Women's Business Centers provide a valuable service to aspiring entrepreneurs. I urge my colleagues to support this bill.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in support of H.R. 1497, the Women's Business Center Sustainability Act.

Women in America are starting firms at twice the rate of all businesses and currently, women-owned businesses offer jobs to one out of every five workers. As of 1999 there are approximately 9.1 million women-owned businesses in the U.S. which make up 38 percent of all firms in the country. Over 23 million employees worked for women-owned businesses, an increase of 262 percent over the 1987–1997 period.

Mr. Speaker, by the year 2000, it is expected that a woman will own one in every two businesses. Based on these statistics, it is clear that women are changing the face of American business and women-owned businesses need our support to continue their contributions to maintain a strong American economy.

H.R. 1497 will help women's businesses to continue to grow. This bill will create a pilot program to allow active centers to recompete, lower the grant level for these recompeting centers to $125,000 and provide a criteria for the recompetition based on their track record. This bill will set aside a portion of the annual funding for a pilot program to allow active centers that are providing good services to recompete. If there is funding left from that recompetition portion we will allow centers that are no longer in the program to recompete as well. This bill will also increase the authorized level of the program from $11 million to $14.5 million.

Through proper allocation of the available funds, this framework will allow the program to continue to expand into economically and socially disadvantaged areas and allow minority women-owned businesses the opportunity to compete on an equal playing field. However, it is imperative that the selection and placement of women business centers is objective and equitable. Economically and socially disadvantaged areas must also be strongly considered for women business centers to allow all people and areas to benefit from this bill.

I urge my colleagues to support H.R. 1497 because women business centers provide training and counseling in topics such as finance, marketing, procurement and the Internet economy for women who want to start, maintain or expand their business. Currently, there are 37 women business centers currently funded and 22 graduated active sites operating in 36 states, the District of Columbia and Puerto Rico. All centers provide individual business counseling and access to SBA's programs and services. A number of the centers are also intermediaries for the SBA microloan and loan prequalification program. This wide variety of services are essential to the success of women-owned businesses and this support will ultimately have a positive impact on our economy overall.

Since the creation of this program in 1988 by a Democratic Congress, the Committee on Small Business has been actively finding ways to help this program improve and expand on their services and training. Originally the program was designed to help start-up centers by providing them with federal matching funds throughout a three year period until they could become self sufficient. This 3-year cycle was adjusted in 1997 to 5 years. An average of 10 new grants are awarded each year through a highly competitive process.

Centers received federal matching grants on a scale. The first year they received two federal dollars for every private dollar they raised, the second and third year they received the match on a 1 to 1 ratio and on their final years for every two private dollars they raised the federal government would match it with one dollar. The committee has been steadfast in addressing issues affecting women's business centers and H.R. 1497 will help in this regard.

I urge your support H.R. 1497, which continue to strengthen the American economy and raise the opportunities for success and economic prosperity for all Americans.

Mr. FORD. Mr. Speaker, thanks to my good friend TOM UDALL for his hard work in bringing H.R. 1497—the Women's Business Center Sustainability Act—to the floor this afternoon.

Mr. Speaker, H.R. 1497 will help provide resources to women entrepreneurs in an effort to help level the playing field and provide opportunities to some of the most innovative and forward thinking businesspeople in our nation.

Today, women have finally begun to crack the once impenetrable ''glass ceiling''. In July, Carly Fiorina became CEO of Hewlett-Packard, the first female CEO of one of America's 20 largest corporations and women such as Meg Whitman, CEO of eBAY, and Joy Covey, CFO of Amazon.com, are revolutionizing how we live and work.

In my home state of Tennessee, we are fortunate to have Cynthia Trudell as president of Saturn Motors.

These individuals should serve as role models to aspiring businesswomen in the same way that Mia Hamm and Serena Williams have become role models in the world of sport. H.R. 1497 will help do just that.

It will allow more women entrepreneurs to use the resources of the Small Business Administration and it will enable their firms to receive assistance for a longer period of time, especially during the crucial first years of operation.

It also extends the authorization of the current women's business center's program, a program that has been tremendously successful in encouraging women entrepreneurs.

Mr. Speaker women-owned businesses are a huge force for job creation and economic growth across the country and, in particularly, my hometown of Memphis, Tennessee.

According to recent surveys, women-owned businesses are growing at twice the rate of all business growth and are primary components of our high-wage high-tech driven economy. They now account for over 8 million businesses, a total of 36 percent of all U.S. firms.

In Memphis, women-owned businesses represent millions of dollars in sales and revenue and in Tennessee, the growth of women-owned firms increased 90 percent between 1988 and 1998. Nationally women businesses increased close to 80 percent over the same period.

Women-owned businesses, however, will continue to face significant challenges in the 21st century, particularly in the area of access to capital we must do all we can to expand opportunity for businesswomen. H.R. 1497 is a solid step in that direction.

Let me once again thank TOM UDALL and all of my colleagues for their hard work. I am proud to stand with them in support of H.R. 1497.

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

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 1497, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1497.

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

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

## TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1180

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Ticket to Work and Work Incentives Improvement Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

Sec. 101. Establishment of the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Elimination of Work Disincentives

Sec. 111. Work activity standard as a basis for review of an individual's disabled status.

Sec. 112. Expedited reinstatement of disability benefits.

Subtitle C—Work Incentives Planning, Assistance, and Outreach

Sec. 121. Work incentives outreach program.

Sec. 122. State grants for work incentives assistance to disabled beneficiaries.

TITLE II—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

Sec. 201. Expanding State options under the medicaid program for workers with disabilities.

Sec. 202. Extending medicare coverage for OASDI disability benefit recipients.

Sec. 203. Grants to develop and establish State infrastructures to support working individuals with disabilities.

Sec. 204. Demonstration of coverage under the medicaid program of workers with potentially severe disabilities.

Sec. 205. Election by disabled beneficiaries to suspend medigap insurance when covered under a group health plan.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

Sec. 301. Extension of disability insurance program demonstration project authority.

Sec. 302. Demonstration projects providing for reductions in disability insurance benefits based on earnings.

Sec. 303. Studies and reports.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Sec. 401. Technical amendments relating to drug addicts and alcoholics.

Sec. 402. Treatment of prisoners.

Sec. 403. Revocation by members of the clergy of exemption from social security coverage.

Sec. 404. Additional technical amendment relating to cooperative research or demonstration projects under titles II and XVI.

Sec. 405. Authorization for State to permit annual wage reports.

Sec. 406. Assessment on attorneys who receive their fees via the Social Security Administration.

Sec. 407. Prevention of fraud and abuse associated with certain payments under the medicaid program.Extension of authority of State medicaid fraud control units.

Sec. 408. Extension of authority of State medicaid fraud control units.

Sec. 409. Special allowance adjustment for student loans.

## TITLE I—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

### Subtitle A—Ticket to Work and Self-Sufficiency

**SEC. 101. ESTABLISHMENT OF THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.**

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding after section 1147 (as added by section 8 of the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998 (Public Law 105–306; 112 Stat. 2928)) the following:

''THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

''SEC. 1148. (a) IN GENERAL.—The Commissioner of Social Security shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and which is willing to provide such services to such beneficiary.

''(b) TICKET SYSTEM.—

''(1) DISTRIBUTION OF TICKETS.—The Commissioner of Social Security may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

''(2) ASSIGNMENT OF TICKETS.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

''(3) TICKET TERMS.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

''(4) PAYMENTS TO EMPLOYMENT NETWORKS.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

''(c) STATE PARTICIPATION.—

''(1) IN GENERAL.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 may elect to participate in the Program as an employment network with respect to a disabled beneficiary. If the State agency does elect to participate in the Program, the State agency also shall elect to be paid under the outcome payment system or the outcome-milestone payment system in accordance with subsection (h)(1). With respect to a disabled beneficiary that the State agency does not elect to have participate in the Program, the State agency shall be paid for services provided to that beneficiary under the system for payment applicable under section 222(d) and subsections (d) and (e) of section 1615. The Commissioner shall provide for periodic opportunities for exercising such elections.

''(2) EFFECT OF PARTICIPATION BY STATE AGENCY.—

''(A) STATE AGENCIES PARTICIPATING.—In any case in which a State agency described in paragraph (1) elects under that paragraph to participate in the Program, the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973.

''(B) STATE AGENCIES ADMINISTERING MATERNAL AND CHILD HEALTH SERVICES PROGRAMS.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

''(3) AGREEMENTS BETWEEN STATE AGENCIES AND EMPLOYMENT NETWORKS.—State agencies and employment networks shall enter into agreements regarding the conditions under which services will be provided when an individual is referred by an employment network to a State agency for services. The Commissioner of Social Security shall establish by regulations the timeframe within which such agreements must be entered into and the mechanisms for dispute resolution between State agencies and employment networks with respect to such agreements.

''(d) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—

''(1) SELECTION AND QUALIFICATIONS OF PROGRAM MANAGERS.—The Commissioner of Social Security shall enter into agreements with 1 or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation or employment services.

''(2) TENURE, RENEWAL, AND EARLY TERMINATION.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior

terms. Such performance standards shall include—

''(A) measures for ease of access by beneficiaries to services; and

''(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

''(3) PRECLUSION FROM DIRECT PARTICIPATION IN DELIVERY OF SERVICES IN OWN SERVICE AREA.—Agreements under paragraph (1) shall preclude—

''(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement; and

''(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

''(4) SELECTION OF EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

''(B) ALTERNATE PARTICIPANTS.—In any State where the Program is being implemented, the Commissioner shall enter into an agreement with any alternate participant that is operating under the authority of section 222(d)(2) in the State as of the date of enactment of this section and chooses to serve as an employment network under the Program.

''(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

''(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall solicit and consider the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure that the periodic surveys of beneficiaries receiving services under the Program are designed to measure customer service satisfaction.

''(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

''(e) PROGRAM MANAGERS.—

''(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

''(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

''(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks without being deemed to have rejected services under the Program. When such a change occurs, the program manager shall reassign the ticket based on the choice of the beneficiary. Upon the request of the employment network, the program manager shall make a determination of the allocation of the outcome or milestone-outcome payments based on the services provided by each employment network. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible formats.

''(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager's agreement, including rural areas.

''(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Services provided under the Program may include case management, work incentives planning, supported employment, career planning, career plan development, vocational assessment, job training, placement, follow-up services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are available in each service area.

''(f) EMPLOYMENT NETWORKS.—

''(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity, that assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b).

''(B) ONE-STOP DELIVERY SYSTEMS.—An employment network serving under the Program may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998.

''(C) COMPLIANCE WITH SELECTION CRITERIA.—No employment network may serve under the Program unless it meets and maintains compliance with both general selection criteria (such as professional and educational qualifications, where applicable) and specific selection criteria (such as substantial expertise and experience in providing relevant employment services and supports).

''(D) SINGLE OR ASSOCIATED PROVIDERS ALLOWED.—An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

''(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

''(A) serve prescribed service areas; and

''(B) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans meeting the requirements of subsection (g).

''(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

''(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

''(g) INDIVIDUAL WORK PLANS.—

''(1) REQUIREMENTS.—Each employment network shall—

''(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subparagraph (C);

''(B) develop and implement each such individual work plan, in partnership with each beneficiary receiving such services, in a manner that affords such beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal;

''(C) ensure that each individual work plan includes at least—

''(i) a statement of the vocational goal developed with the beneficiary, including, as appropriate, goals for earnings and job advancement;

''(ii) a statement of the services and supports that have been deemed necessary for the beneficiary to accomplish that goal;

''(iii) a statement of any terms and conditions related to the provision of such services and supports; and

''(iv) a statement of understanding regarding the beneficiary's rights under the Program (such as the right to retrieve the ticket to work and self-sufficiency if the beneficiary is dissatisfied with the services being provided by the employment network) and remedies available to the individual, including information on the availability of advocacy services and assistance in resolving disputes through the State grant program authorized under section 1150;

''(D) provide a beneficiary the opportunity to amend the individual work plan if a change in circumstances necessitates a change in the plan; and

''(E) make each beneficiary's individual work plan available to the beneficiary in, as appropriate, an accessible format chosen by the beneficiary.

''(2) EFFECTIVE UPON WRITTEN APPROVAL.—A beneficiary's individual work plan shall take effect upon written approval by the beneficiary or a representative of the beneficiary and a representative of the employment network that, in providing such written approval, acknowledges assignment of the beneficiary's ticket to work and self-sufficiency.

''(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

''(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

''(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

''(B) NO CHANGE IN METHOD OF PAYMENT FOR BENEFICIARIES WITH TICKETS ALREADY ASSIGNED TO THE EMPLOYMENT NETWORKS.—Any election of a payment system by an employment network that would result in a change in the method of payment to the employment network for services provided to a beneficiary who is receiving services from the employment network at the time of the election shall not be effective with respect to payment for services provided to that beneficiary and the method of payment previously selected shall continue to apply with respect to such services.

''(2) OUTCOME PAYMENT SYSTEM.—

''(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

''(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network, in connection with each individual who is a beneficiary, for each month, during the individual's outcome payment period, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual because of work or earnings.

''(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

''(i) the payment for each month during the outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs; and

''(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

''(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

''(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

''(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for 1 or more milestones, with respect to beneficiaries receiving services from an employment network under the Program, that are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure that provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

''(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

''(4) DEFINITIONS.—In this subsection:

''(A) PAYMENT CALCULATION BASE.—The term 'payment calculation base' means, for any calendar year—

''(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year; and

''(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained 18 years of age but have not attained 65 years of age.

''(B) OUTCOME PAYMENT PERIOD.—The term 'outcome payment period' means, in connection with any individual who had assigned a ticket to work and self-sufficiency to an employment network under the Program, a period—

''(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity; and

''(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity.

''(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

''(A) PERCENTAGES AND PERIODS.—The Commissioner shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

''(B) NUMBER AND AMOUNT OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Ticket to Work and Work Incentives Advisory Panel established by section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Ticket to Work and Work Incentives Advisory Panel established by section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, or other reliable sources.

''(C) REPORT ON THE ADEQUACY OF INCENTIVES.—The Commissioner shall submit to Congress not later than 36 months after the date of the enactment of the Ticket to Work and Work Incentives Improvement Act of 1999 a report with recommendations for a method or methods to adjust payment rates under subparagraphs (A) and (B), that would ensure adequate incentives for the provision of services by employment networks of—

''(i) individuals with a need for ongoing support and services;

''(ii) individuals with a need for high-cost accommodations;

''(iii) individuals who earn a subminimum wage; and

''(iv) individuals who work and receive partial cash benefits.

The Commissioner shall consult with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 during the development and evaluation of the study. The Commissioner shall implement the necessary adjusted payment rates prior to full implementation of the Ticket to Work and Self-Sufficiency Program.

''(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using, as defined by the Commissioner, a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

''(j) AUTHORIZATIONS.—

''(1) PAYMENTS TO EMPLOYMENT NETWORKS.—

''(A) TITLE II DISABILITY BENEFICIARIES.—There are authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund each fiscal year such sums

as may be necessary to make payments to employment networks under this section. Money paid from the Trust Funds under this section with respect to title II disability beneficiaries who are entitled to benefits under section 223 or who are entitled to benefits under section 202(d) on the basis of the wages and self-employment income of such beneficiaries, shall be charged to the Federal Disability Insurance Trust Fund, and all other money paid from the Trust Funds under this section shall be charged to the Federal Old-Age and Survivors Insurance Trust Fund.

''(B) TITLE XVI DISABILITY BENEFICIARIES.—Amounts authorized to be appropriated to the Social Security Administration under section 1601 (as in effect pursuant to the amendments made by section 301 of the Social Security Amendments of 1972) shall include amounts necessary to carry out the provisions of this section with respect to title XVI disability beneficiaries.

''(2) ADMINISTRATIVE EXPENSES.—The costs of administering this section (other than payments to employment networks) shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among such amounts as appropriate.

''(k) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means a title II disability beneficiary or a title XVI disability beneficiary.

''(3) TITLE II DISABILITY BENEFICIARY.—The term 'title II disability beneficiary' means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

''(4) TITLE XVI DISABILITY BENEFICIARY.—The term 'title XVI disability beneficiary' means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

''(5) SUPPLEMENTAL SECURITY INCOME BENEFIT.—The term 'supplemental security income benefit under title XVI' means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

''(l) REGULATIONS.—Not later than 1 year after the date of the enactment of the Ticket to Work and Work Incentives Improvement Act of 1999, the Commissioner shall prescribe such regulations as are necessary to carry out the provisions of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) is amended by adding at the end the following:

''(5) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).''.

(B) Section 222(a) of such Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of such Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of such Act (42 U.S.C. 425(b)(1)) is amended by striking ''a program of vocational rehabilitation services'' and inserting ''a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services''.

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of such Act (42 U.S.C. 1382d(a)) is amended to read as follows:

''SEC. 1615. (a) In the case of any blind or disabled individual who—

''(1) has not attained age 16; and

''(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.''.

(B) Section 1615(c) of such Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of such Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking ''a program of vocational rehabilitation services'' and inserting ''a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services''.

(D) Section 1633(c) of such Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting ''(1)'' after ''(c)''; and

(ii) by adding at the end the following:

''(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).''.

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following 1 year after the date of the enactment of this Act.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) FULL IMPLEMENTATION.—The Commissioner shall ensure that ability to provide tickets and services to individuals under the Program exists in every State as soon as practicable on or after the effective date specified in subsection (c) but not later than 3 years after such date.

(4) ONGOING EVALUATION OF PROGRAM.—

(A) IN GENERAL.—The Commissioner shall design and conduct a series of evaluations to assess the cost-effectiveness of activities carried out under this section and the amendments made thereby, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) CONSULTATION.—The Commissioner shall design and carry out the series of evaluations after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program and consulting with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f), the Comptroller General of the United States, other agencies of the Federal Government, and private organizations with appropriate expertise.

(C) METHODOLOGY.—

(i) IMPLEMENTATION.—The Commissioner, in consultation with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f), shall ensure that plans for evaluations and data collection methods under the Program are appropriately designed to obtain detailed employment information.

(ii) SPECIFIC MATTERS TO BE ADDRESSED.—Each such evaluation shall address (but is not limited to)—

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of individuals in possession of tickets under the Program who are not accepted for services and, to the extent reasonably determinable, the reasons for which such beneficiaries were not accepted for services;

(VII) the characteristics of providers whose services are provided within an employment network under the Program;

(VIII) the extent (if any) to which employment networks display a greater willingness to provide services to beneficiaries with a range of disabilities;

(IX) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(X) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(XI) reasons for (including comments solicited from beneficiaries regarding) their choice not to use their tickets or their inability to return to work despite the use of their tickets.

(D) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the

Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) EXTENT OF STATE'S RIGHT OF FIRST REFUSAL IN ADVANCE OF FULL IMPLEMENTATION OF AMENDMENTS IN SUCH STATE.—

(A) IN GENERAL.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) for prompt referrals to a State agency; and

(ii) the authority of the Commissioner under section 222(d)(2) of the Social Security Act to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals,

shall apply in such State.

(B) EXISTING AGREEMENTS.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act before the date of the enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after 3 years after the effective date provided in subsection (c).

(e) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1148(b)(1) of the Social Security Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program pursuant to section 1148(c)(1) of such Act and provision for periodic opportunities for exercising such elections;

(D) the status of State agencies under section 1148(c)(1) of such Act at the time that State agencies exercise elections under that section;

(E) the terms of agreements to be entered into with program managers pursuant to section 1148(d) of such Act, including—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1148(d)(3) of such Act;

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1148(d) of such Act and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1148(e) of such Act; and

(iii) the format under which dispute resolution will operate under section 1148(d)(7) of such Act;

(F) the terms of agreements to be entered into with employment networks pursuant to section 1148(d)(4) of such Act, including—

(i) the manner in which service areas are specified pursuant to section 1148(f)(2)(A) of such Act;

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1148(f)(1)(C) of such Act in selecting service providers;

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1148(f)(3) of such Act; and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1148(f)(4) of such Act;

(G) standards which must be met by individual work plans pursuant to section 1148(g) of such Act;

(H) standards which must be met by payment systems required under section 1148(h) of such Act, including—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1148(h)(1)(A) of such Act;

(ii) the terms which must be met by an outcome payment system under section 1148(h)(2) of such Act;

(iii) the terms which must be met by an outcome-milestone payment system under section 1148(h)(3) of such Act;

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1148(h) of such Act or the period of time specified in paragraph (4)(B) of such section 1148(h) of such Act; and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(f) THE TICKET TO WORK AND WORK INCENTIVES ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established within the Social Security Administration a panel to be known as the ''Ticket to Work and Work Incentives Advisory Panel'' (in this subsection referred to as the ''Panel'').

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the President, the Congress, and the Commissioner of Social Security on issues related to work incentives programs, planning, and assistance for individuals with disabilities, including work incentive provisions under titles II, XI, XVI, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1301 et seq., 1381 et seq., 1395 et seq., 1396 et seq.); and

(B) with respect to the Ticket to Work and Self-Sufficiency Program established under section 1148 of such Act—

(i) advise the Commissioner of Social Security with respect to establishing phase-in sites for such Program and fully implementing the Program thereafter, the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems, and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program;

(ii) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to section 302 of this Act;

(iii) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1148(d)(6) of the Social Security Act; and

(iv) furnish progress reports on the Program to the Commissioner and each House of Congress.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members as follows:

(i) 4 members appointed by the President, not more than 2 of whom may be of the same political party;

(ii) 2 members appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives;

(iii) 2 members appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Ways and Means of the House of Representatives;

(iv) 2 members appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on Finance of the Senate; and

(v) 2 members appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Finance of the Senate.

(B) REPRESENTATION.—Of the members appointed under subparagraph (A), at least 8 shall have experience or expert knowledge as a recipient, provider, employer, or employee in the fields of, or related to, employment services, vocational rehabilitation services, and other support services, of whom—

(i) at least 2 shall represent the interests of recipients of employment services, vocational rehabilitation services, and other support services;

(ii) at least 2 shall represent the interests of providers of employment services, vocational rehabilitation services, and other support services;

(iii) at least 2 shall represent the interests of private employers; and

(iv) at least 2 shall represent the interests of employees.

At least ½ of the members described in each clause of subparagraph (A) shall be individuals with disabilities, or representatives of individuals with disabilities, with consideration to current or former title II disability beneficiaries or title XVI disability beneficiaries (as such terms are defined in section 1148(k) of the Social Security Act (as added by subsection (a)).

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of the enactment of this Act.

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(I) ½ of the members appointed under subparagraph (A) shall be appointed for a term of 2 years; and

(II) the remaining members appointed under subparagraph (A) shall be appointed for a term of 4 years.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) BASIC PAY.—Members shall each be paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) QUORUM.—8 members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the President. The term of office of the Chairperson shall be 4 years.

(H) MEETINGS.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(A) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Panel, and paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) STAFF.—Subject to rules prescribed by the Commissioner of Social Security, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commissioner of Social Security, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this Act.

(5) POWERS OF PANEL.—

(A) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this section.

(C) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) REPORTS.—

(A) INTERIM REPORTS.—The Panel shall submit to the President and the Congress interim reports at least annually.

(B) FINAL REPORT.—The Panel shall transmit a final report to the President and the Congress not later than eight years after the date of the enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) TERMINATION.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the general fund of the Treasury, as appropriate, such sums as are necessary to carry out this subsection.

## Subtitle B—Elimination of Work Disincentives

### SEC. 111. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS.

(a) IN GENERAL.—Section 221 of the Social Security Act (42 U.S.C. 421) is amended by adding at the end the following:

''(m)(1) In any case where an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)) has received such benefits for at least 24 months—

''(A) no continuing disability review conducted by the Commissioner may be scheduled for the individual solely as a result of the individual's work activity;

''(B) no work activity engaged in by the individual may be used as evidence that the individual is no longer disabled; and

''(C) no cessation of work activity by the individual may give rise to a presumption that the individual is unable to engage in work.

''(2) An individual to which paragraph (1) applies shall continue to be subject to—

''(A) continuing disability reviews on a regularly scheduled basis that is not triggered by work; and

''(B) termination of benefits under this title in the event that the individual has earnings that exceed the level of earnings established by the Commissioner to represent substantial gainful activity.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2003.

### SEC. 112. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS.

(a) OASDI BENEFITS.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

''Reinstatement of Entitlement

''(i)(1)(A) Entitlement to benefits described in subparagraph (B)(i)(I) shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of such entitlement shall be in accordance with the terms of this subsection.

''(B) An individual is described in this subparagraph if—

''(i) prior to the month in which the individual files a request for reinstatement—

''(I) the individual was entitled to benefits under this section or section 202 on the basis of disability pursuant to an application filed therefor; and

''(II) such entitlement terminated due to the performance of substantial gainful activity;

''(ii) the individual is under a disability and the physical or mental impairment that is the basis for the finding of disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement described in clause (i); and

''(iii) the individual's disability renders the individual unable to perform substantial gainful activity.

''(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was entitled to a benefit described in subparagraph (B)(i)(I) prior to the entitlement termination described in subparagraph (B)(i)(II).

''(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

''(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

''(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) and (iii) of paragraph (1)(B).

''(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not entitled to reinstated benefits under this subsection.

''(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of subsection (f) shall apply.

''(4)(A)(i) Subject to clause (ii), entitlement to benefits reinstated under this subsection shall commence with the benefit payable for the month in which a request for reinstatement is filed.

''(ii) An individual whose entitlement to a benefit for any month would have been reinstated under this subsection had the individual filed a request for reinstatement before the end of such month shall be entitled to such benefit for such month if such request for reinstatement is filed before the end of the twelfth month immediately succeeding such month.

''(B)(i) Subject to clauses (ii) and (iii), the amount of the benefit payable for any month pursuant to the reinstatement of entitlement under this subsection shall be determined in accordance with the provisions of this title.

''(ii) For purposes of computing the primary insurance amount of an individual whose entitlement to benefits under this section is reinstated under this subsection, the date of onset of the individual's disability shall be the date of onset used in determining the individual's most recent period of disability arising in connection with such benefits payable on the basis of an application.

''(iii) Benefits under this section or section 202 payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

''(C) No benefit shall be payable pursuant to an entitlement reinstated under this subsection to an individual for any month in which the individual engages in substantial gainful activity.

''(D) The entitlement of any individual that is reinstated under this subsection shall end with the benefits payable for the month preceding whichever of the following months is the earliest:

''(i) The month in which the individual dies.

''(ii) The month in which the individual attains retirement age.

''(iii) The third month following the month in which the individual's disability ceases.

''(5) Whenever an individual's entitlement to benefits under this section is reinstated under this subsection, entitlement to benefits payable on the basis of such individual's wages and self-employment income may be reinstated with respect to any person previously entitled to such benefits on the basis of an application if the Commissioner determines that such person satisfies all the requirements for entitlement to such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated entitlement of any such person to the same extent that they apply to the reinstated entitlement of such individual.

''(6) An individual to whom benefits are payable under this section or section 202 pursuant to a reinstatement of entitlement under this subsection for 24 months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth

month, be deemed for purposes of paragraph (1)(B)(i)(I) and the determination, if appropriate, of the termination month in accordance with subsection (a)(1) of this section, or subsection (d)(1), (e)(1), or (f)(1) of section 202, to be entitled to such benefits on the basis of an application filed therefor.

''(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be entitled to provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under subsection (b) or (g) of section 205.

''(B) The amount of a provisional benefit for a month shall equal the amount of the last monthly benefit payable to the individual under this title on the basis of an application increased by an amount equal to the amount, if any, by which such last monthly benefit would have been increased as a result of the operation of section 215(i).

''(C)(i) Provisional benefits shall begin with the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

''(ii) Provisional benefits shall end with the earliest of—

''(I) the month in which the Commissioner makes a determination regarding the individual's entitlement to reinstated benefits;

''(II) the fifth month following the month described in clause (i);

''(III) the month in which the individual performs substantial gainful activity; or

''(IV) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

''(D) In any case in which the Commissioner determines that an individual is not entitled to reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).''.

(b) SSI BENEFITS.—

(1) IN GENERAL.—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end the following:

''Reinstatement of Eligibility on the Basis of Blindness or Disability

''(p)(1)(A) Eligibility for benefits under this title shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of eligibility shall be in accordance with the terms of this subsection.

''(B) An individual is described in this subparagraph if—

''(i) prior to the month in which the individual files a request for reinstatement—

''(I) the individual was eligible for benefits under this title on the basis of blindness or disability pursuant to an application filed therefor; and

''(II) the individual thereafter was ineligible for such benefits due to earned income (or earned and unearned income) for a period of 12 or more consecutive months;

''(ii) the individual is blind or disabled and the physical or mental impairment that is the basis for the finding of blindness or disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of blindness or disability that gave rise to the eligibility described in clause (i);

''(iii) the individual's blindness or disability renders the individual unable to perform substantial gainful activity; and

''(iv) the individual satisfies the nonmedical requirements for eligibility for benefits under this title.

''(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was eligible for a benefit under this title (including section 1619) prior to the period of ineligibility described in subparagraph (B)(i)(II).

''(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

''(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

''(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) through (iv) of paragraph (1)(B).

''(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not eligible for reinstated benefits under this subsection.

''(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of section 1614(a)(4) shall apply.

''(4)(A) Eligibility for benefits reinstated under this subsection shall commence with the benefit payable for the month following the month in which a request for reinstatement is filed.

''(B)(i) Subject to clause (ii), the amount of the benefit payable for any month pursuant to the reinstatement of eligibility under this subsection shall be determined in accordance with the provisions of this title.

''(ii) The benefit under this title payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

''(C) Except as otherwise provided in this subsection, eligibility for benefits under this title reinstated pursuant to a request filed under paragraph (2) shall be subject to the same terms and conditions as eligibility established pursuant to an application filed therefor.

''(5) Whenever an individual's eligibility for benefits under this title is reinstated under this subsection, eligibility for such benefits shall be reinstated with respect to the individual's spouse if such spouse was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements for eligibility for such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated eligibility of the spouse to the same extent that they apply to the reinstated eligibility of such individual.

''(6) An individual to whom benefits are payable under this title pursuant to a reinstatement of eligibility under this subsection for twenty-four months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) to be eligible for such benefits on the basis of an application filed therefor.

''(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be eligible for provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under paragraph (1) or (3) of subsection (c).

''(B)(i) Except as otherwise provided in clause (ii), the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual under this title with the same kind and amount of income.

''(ii) If the individual has a spouse who was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements of section 1614(b) except requirements related to the filing of an application, the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual and eligible spouse under this title with the same kind and amount of income.

''(C)(i) Provisional benefits shall begin with the month following the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

''(ii) Provisional benefits shall end with the earliest of—

''(I) the month in which the Commissioner makes a determination regarding the individual's eligibility for reinstated benefits;

''(II) the fifth month following the month for which provisional benefits are first payable under clause (i); or

''(III) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

''(D) In any case in which the Commissioner determines that an individual is not eligible for reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).

''(8) For purposes of this subsection other than paragraph (7), the term 'benefits under this title' includes State supplementary payments made pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(j)(1) of such Act (42 U.S.C. 1383(j)(1)) is amended by striking the period and inserting '', or has filed a request for reinstatement of eligibility under subsection (p)(2) and been determined to be eligible for reinstatement.''.

(B) Section 1631(j)(2)(A)(i)(I) of such Act (42 U.S.C. 1383(j)(2)(A)(i)(I)) is amended by inserting ''(other than pursuant to a request for reinstatement under subsection (p))'' after ''eligible''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of enactment of this Act.

(2) LIMITATION.—No benefit shall be payable under title II or XVI on the basis of a

request for reinstatement filed under section 223(i) or 1631(p) of the Social Security Act before the effective date described in paragraph (1).

**Subtitle C—Work Incentives Planning, Assistance, and Outreach**

**SEC. 121. WORK INCENTIVES OUTREACH PROGRAM.**

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 101, is amended by adding after section 1148 the following:

''WORK INCENTIVES OUTREACH PROGRAM

''SEC. 1149. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Commissioner, in consultation with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, shall establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to disabled beneficiaries on work incentives programs and issues related to such programs.

''(2) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OUTREACH.—Under the program established under this section, the Commissioner shall—

''(A) establish a competitive program of grants, cooperative agreements, or contracts to provide benefits planning and assistance, including information on the availability of protection and advocacy services, to disabled beneficiaries, including individuals participating in the Ticket to Work and Self-Sufficiency Program established under section 1148, the program established under section 1619, and other programs that are designed to encourage disabled beneficiaries to work;

''(B) conduct directly, or through grants, cooperative agreements, or contracts, ongoing outreach efforts to disabled beneficiaries (and to the families of such beneficiaries) who are potentially eligible to participate in Federal or State work incentive programs that are designed to assist disabled beneficiaries to work, including—

''(i) preparing and disseminating information explaining such programs; and

''(ii) working in cooperation with other Federal, State, and private agencies and nonprofit organizations that serve disabled beneficiaries, and with agencies and organizations that focus on vocational rehabilitation and work-related training and counseling;

''(C) establish a corps of trained, accessible, and responsive work incentives specialists within the Social Security Administration who will specialize in disability work incentives under titles II and XVI for the purpose of disseminating accurate information with respect to inquiries and issues relating to work incentives to—

''(i) disabled beneficiaries;

''(ii) benefit applicants under titles II and XVI; and

''(iii) individuals or entities awarded grants under subparagraphs (A) or (B); and

''(D) provide—

''(i) training for work incentives specialists and individuals providing planning assistance described in subparagraph (C); and

''(ii) technical assistance to organizations and entities that are designed to encourage disabled beneficiaries to return to work.

''(3) COORDINATION WITH OTHER PROGRAMS.—The responsibilities of the Commissioner established under this section shall be coordinated with other public and private programs that provide information and assistance regarding rehabilitation services and independent living supports and benefits planning for disabled beneficiaries including the program under section 1619, the plans for achieving self-support program (PASS), and any other Federal or State work incentives programs that are designed to assist disabled beneficiaries, including educational agencies that provide information and assistance regarding rehabilitation, school-to-work programs, transition services (as defined in, and provided in accordance with, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)), a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998, and other services.

''(b) CONDITIONS.—

''(1) SELECTION OF ENTITIES.—

''(A) APPLICATION.—An entity shall submit an application for a grant, cooperative agreement, or contract to provide benefits planning and assistance to the Commissioner at such time, in such manner, and containing such information as the Commissioner may determine is necessary to meet the requirements of this section.

''(B) STATEWIDENESS.—The Commissioner shall ensure that the planning, assistance, and information described in paragraph (2) shall be available on a statewide basis.

''(C) ELIGIBILITY OF STATES AND PRIVATE ORGANIZATIONS.—

''(i) IN GENERAL.—The Commissioner may award a grant, cooperative agreement, or contract under this section to a State or a private agency or organization (other than Social Security Administration Field Offices and the State agency administering the State medicaid program under title XIX, including any agency or entity described in clause (ii), that the Commissioner determines is qualified to provide the planning, assistance, and information described in paragraph (2)).

''(ii) AGENCIES AND ENTITIES DESCRIBED.—The agencies and entities described in this clause are the following:

''(I) Any public or private agency or organization (including Centers for Independent Living established under title VII of the Rehabilitation Act of 1973, protection and advocacy organizations, client assistance programs established in accordance with section 112 of the Rehabilitation Act of 1973, and State Developmental Disabilities Councils established in accordance with section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)) that the Commissioner determines satisfies the requirements of this section.

''(II) The State agency administering the State program funded under part A of title IV.

''(D) EXCLUSION FOR CONFLICT OF INTEREST.—The Commissioner may not award a grant, cooperative agreement, or contract under this section to any entity that the Commissioner determines would have a conflict of interest if the entity were to receive a grant, cooperative agreement, or contract under this section.

''(2) SERVICES PROVIDED.—A recipient of a grant, cooperative agreement, or contract to provide benefits planning and assistance shall select individuals who will act as planners and provide information, guidance, and planning to disabled beneficiaries on the—

''(A) availability and interrelation of any Federal or State work incentives programs designed to assist disabled beneficiaries that the individual may be eligible to participate in;

''(B) adequacy of any health benefits coverage that may be offered by an employer of the individual and the extent to which other health benefits coverage may be available to the individual; and

''(C) availability of protection and advocacy services for disabled beneficiaries and how to access such services.

''(3) AMOUNT OF GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—

''(A) BASED ON POPULATION OF DISABLED BENEFICIARIES.—Subject to subparagraph (B), the Commissioner shall award a grant, cooperative agreement, or contract under this section to an entity based on the percentage of the population of the State where the entity is located who are disabled beneficiaries.

''(B) LIMITATIONS.—

''(i) PER GRANT.—No entity shall receive a grant, cooperative agreement, or contract under this section for a fiscal year that is less than $50,000 or more than $300,000.

''(ii) TOTAL AMOUNT FOR ALL GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The total amount of all grants, cooperative agreements, and contracts awarded under this section for a fiscal year may not exceed $23,000,000.

''(4) ALLOCATION OF COSTS.—The costs of carrying out this section shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

''(c) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $23,000,000 for each of the fiscal years 2000 through 2004.''.

**SEC. 122. STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES.**

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 121, is amended by adding after section 1149 the following:

''STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES

''SEC. 1150. (a) IN GENERAL.—Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the purpose of providing services to disabled beneficiaries.

''(b) SERVICES PROVIDED.—Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

''(1) information and advice about obtaining vocational rehabilitation and employment services; and

''(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

''(c) APPLICATION.—In order to receive payments under this section, a protection and advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

''(d) AMOUNT OF PAYMENTS.—

''(1) IN GENERAL.—Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

''(A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—

''(i) $100,000; or

''(ii) ⅓ of 1 percent of the amount available for payments under this section; and

''(B) in the case of a protection and advocacy system located in Guam, American

Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, $50,000.

''(2) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount so appropriated to carry out this section.

''(e) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

''(f) FUNDING.—

''(1) ALLOCATION OF PAYMENTS.—Payments under this section shall be made from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

''(2) CARRYOVER.—Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

''(g) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

''(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of the fiscal years 2000 through 2004.''.

## TITLE II—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

### SEC. 201. EXPANDING STATE OPTIONS UNDER THE MEDICAID PROGRAM FOR WORKERS WITH DISABILITIES.

(a) IN GENERAL.—

(1) STATE OPTION TO PROVIDE OPPORTUNITY FOR EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY TO BUY INTO MEDICAID.—

(A) ELIGIBILITY.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(i) in subclause (XIII), by striking ''or'' at the end;

(ii) in subclause (XIV), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(XV) who are employed individuals with a medically improved disability described in section 1905(v)(1) and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XIII);''.

(B) DEFINITION OF EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

''(v)(1) The term 'employed individual with a medically improved disability' means an individual who—

''(A) is at least 16, but less than 65, years of age;

''(B) is employed (as defined in paragraph (2));

''(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XIII) because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3); and

''(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

''(2) For purposes of paragraph (1), an individual is considered to be 'employed' if the individual—

''(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

''(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.''.

(C) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (x), by striking ''or'' at the end;

(ii) in clause (xi), by adding ''or'' at the end; and

(iii) by inserting after clause (xi), the following:

''(xii) employed individuals with a medically improved disability (as defined in subsection (v)),''.

(2) STATE AUTHORITY TO IMPOSE INCOME-RELATED PREMIUMS AND COST-SHARING.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), by striking ''The State plan'' and inserting ''Subject to subsection (g), the State plan''; and

(B) by adding at the end the following:

''(g) With respect to individuals provided medical assistance only under subclause (XV) of section 1902(a)(10)(A)(ii), a State may (in a uniform manner for individuals described in either such subclause)—

''(1) require such individuals to pay premiums or other cost-sharing charges set on a sliding scale based on income that the State may determine; and

''(2) require payment of 100 percent of such premiums in the case of such an individual who has income that exceeds 250 percent of the income official poverty line (referred to in subsection (c)(1)) applicable to a family of the size involved.''.

(3) PROHIBITION AGAINST SUPPLANTATION OF STATE FUNDS AND STATE FAILURE TO MAINTAIN EFFORT.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking the period at the end of paragraph (19) and inserting ''; or''; and

(B) by inserting after such paragraph the following:

''(20) with respect to amounts expended for medical assistance provided to an individual described in subclause (XV) of section 1902(a)(10)(A)(ii) for a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the level of State funds expended for such fiscal year for programs to enable working individuals with disabilities to work (other than for such medical assistance) is not less than the level expended for such programs during the most recent State fiscal year ending before the date of enactment of this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A) by inserting ''1902(a)(10)(A)(ii)(XV),'' after ''1902(a)(10)(A)(ii)(X),''.

(2) Section 1903(f)(4) of such Act, as amended by paragraph (1), is amended by inserting ''1902(a)(10)(A)(ii)(XIII),'' before ''1902(a)(10)(A)(ii)(XV)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 1999.

(2) RETROACTIVITY OF CONFORMING AMENDMENT.—The amendment made by subsection (b)(2) takes effect as if included in the enactment of the Balanced Budget Act of 1997.

### SEC. 202. EXTENDING MEDICARE COVERAGE FOR OASDI DISABILITY BENEFIT RECIPIENTS.

(a) IN GENERAL.—The next to last sentence of section 226(b) of the Social Security Act (42 U.S.C. 426) is amended by striking ''24'' and inserting ''96''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective on and after October 1, 2000.

(c) GAO REPORT.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress that—

(1) examines the effectiveness and cost of the amendment made by subsection (a);

(2) examines the necessity and effectiveness of providing continuation of medicare coverage under section 226(b) of the Social Security Act to individuals whose annual income exceeds the contribution and benefit base (as determined under section 230 of such Act);

(3) examines the viability of providing the continuation of medicare coverage under such section 226(b) based on a sliding scale premium for individuals whose annual income exceeds such contribution and benefit base;

(4) examines the viability of providing the continuation of medicare coverage under such section 226(b) based on a premium buy-in by the beneficiary's employer in lieu of coverage under private health insurance;

(5) examines the interrelation between the use of the continuation of medicare coverage under such section 226(b) and the use of private health insurance coverage by individuals during the extended period; and

(6) recommends such legislative or administrative changes relating to the continuation of medicare coverage for recipients of social security disability benefits as the Comptroller General determines are appropriate.

### SEC. 203. GRANTS TO DEVELOP AND ESTABLISH STATE INFRASTRUCTURES TO SUPPORT WORKING INDIVIDUALS WITH DISABILITIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

(2) APPLICATION.—In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(3) DEFINITION OF STATE.—In this section, the term ''State'' means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) GRANTS FOR INFRASTRUCTURE AND OUTREACH.—

(1) IN GENERAL.—Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

(2) ELIGIBILITY FOR GRANTS.—

(A) IN GENERAL.—No State may receive a grant under this subsection unless the State—

(i) has an approved amendment to the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that provides medical assistance under such plan to individuals described in section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)); and

(ii) demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to the extent necessary to enable individuals described in clause (i) to remain employed (as determined under section 1905(v)(2) of the Social Security Act (42 U.S.C. 1396d(v)(2))).

(B) DEFINITION OF PERSONAL ASSISTANCE SERVICES.—In this paragraph, the term ''personal assistance services'' means a range of services, provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(3) DETERMINATION OF AWARDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine a formula for awarding grants to States under this section that provides special consideration to States that provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XV) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)).

(B) AWARD LIMITS.—

(i) MINIMUM AWARDS.—

(I) IN GENERAL.—Subject to subclause (II), no State with an approved application under this section shall receive a grant for a fiscal year that is less than $500,000.

(II) PRO RATA REDUCTIONS.—If the funds appropriated under subsection (e) for a fiscal year are not sufficient to pay each State with an application approved under this section the minimum amount described in subclause (I), the Secretary shall pay each such State an amount equal to the pro rata share of the amount made available.

(ii) MAXIMUM AWARDS.—No State with an application that has been approved under this section shall receive a grant for a fiscal year that exceeds 15 percent of the total expenditures by the State (including the reimbursed Federal share of such expenditures) for medical assistance for individuals eligible under subclause (XIII) or (XV) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as estimated by the State and approved by the Secretary.

(c) AVAILABILITY OF FUNDS.—

(1) FUNDS AWARDED TO STATES.—Funds awarded to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) FUNDS NOT AWARDED TO STATES.—Funds not awarded to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for awarding by the Secretary.

(d) ANNUAL REPORT.—A State that is awarded a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of title II disability beneficiaries, as defined in section 1148(k)(3) of the Social Security Act (as amended by section 101(a)) in the State, and title XVI disability beneficiaries, as defined in section 1148(k)(4) of the Social Security Act (as so amended) in the State who return to work.

(e) APPROPRIATION.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to make grants under this section—

(A) for fiscal year 2000, $20,000,000;

(B) for fiscal year 2001, $25,000,000;

(C) for fiscal year 2002, $30,000,000;

(D) for fiscal year 2003, $35,000,000;

(E) for fiscal year 2004, $40,000,000; and

(F) for each of fiscal years 2005 through 2010, the amount appropriated for the preceding fiscal year increased by the percentage increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average) for the preceding fiscal year.

(2) BUDGET AUTHORITY.—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under paragraph (1).

(f) RECOMMENDATION.—Not later than October 1, 2009, the Secretary, in consultation with the Work Incentives Advisory Panel established under section 201(f), shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the grant program established under this section should be continued after fiscal year 2010.

**SEC. 204. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF WORKERS WITH POTENTIALLY SEVERE DISABILITIES.**

(a) STATE APPLICATION.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') for approval of a demonstration project (in this section referred to as a ''demonstration project'') under which up to a specified maximum number of individuals who are workers with a potentially severe disability (as defined in subsection (b)(1)) are provided medical assistance equal to that provided under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) to individuals described in section 1902(a)(10)(A)(ii)(XIII) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)).

(b) WORKER WITH A POTENTIALLY SEVERE DISABILITY DEFINED.—For purposes of this section—

(1) IN GENERAL.—The term ''worker with a potentially severe disability'' means, with respect to a demonstration project, an individual who—

(A) is at least 16, but less than 65, years of age;

(B) has a specific physical or mental impairment that, as defined by the State under the demonstration project, is reasonably expected, but for the receipt of items and services described in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), to become blind or disabled (as defined under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))); and

(C) is employed (as defined in paragraph (2)).

(2) DEFINITION OF EMPLOYED.—An individual is considered to be ''employed'' if the individual—

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined under the demonstration project and approved by the Secretary.

(c) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) ELECTION OF OPTIONAL CATEGORY.—The State has elected to provide coverage under its plan under title XIX of the Social Security Act of individuals described in section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)).

(B) MAINTENANCE OF STATE EFFORT.—Federal funds paid to a State pursuant to this section must be used to supplement, but not supplant, the level of State funds expended for workers with potentially severe disabilities under programs in effect for such individuals at the time the demonstration project is approved under this section.

(C) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section for the 5-fiscal-year period beginning with fiscal year 2000, $56,000,000.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) the aggregate amount of payments made by the Secretary to States under this section exceed $56,000,000; or

(ii) payments be provided by the Secretary for a fiscal year after fiscal year 2005.

(C) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States based on their applications and the availability of funds. Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) of expenditures in the quarter for medical assistance provided to workers with a potentially severe disability.

(d) RECOMMENDATION.—Not later than October 1, 2002, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2003.

(e) STATE DEFINED.—In this section, the term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

**SEC. 205. ELECTION BY DISABLED BENEFICIARIES TO SUSPEND MEDIGAP INSURANCE WHEN COVERED UNDER A GROUP HEALTH PLAN.**

(a) IN GENERAL.—Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by inserting ''or paragraph (6)'' after ''this paragraph''; and

(2) by adding at the end the following new paragraph:

''(6) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) and is covered under a group health plan (as defined in section 1862(b)(1)(A)(v)). If such suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to requests made after the date of the enactment of this Act.

## TITLE III—DEMONSTRATION PROJECTS AND STUDIES

**SEC. 301. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.**

(a) EXTENSION OF AUTHORITY.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by adding at the end the following:

''DEMONSTRATION PROJECT AUTHORITY

''SEC. 234. (a) AUTHORITY.—

''(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of—

''(A) various alternative methods of treating the work activity of individuals entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)), including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of such individuals;

''(B) altering other limitations and conditions applicable to such individuals (including lengthening the trial work period (as defined in section 222(c)), altering the 24-month waiting period for hospital insurance benefits under section 226, altering the manner in which the program under this title is administered, earlier referral of such individuals for rehabilitation, and greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation); and

''(C) implementing sliding scale benefit offsets using variations in—

''(i) the amount of the offset as a proportion of earned income;

''(ii) the duration of the offset period; and

''(iii) the method of determining the amount of income earned by such individuals,

to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of this title.

''(2) AUTHORITY FOR EXPANSION OF SCOPE.—The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under the program established under this title with impairments that reasonably may be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.

''(b) REQUIREMENTS.—The experiments and demonstration projects developed under subsection (a) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program under this title without committing such program to the adoption of any particular system either locally or nationally.

''(c) AUTHORITY TO WAIVE COMPLIANCE WITH BENEFITS REQUIREMENTS.—In the case of any experiment or demonstration project conducted under subsection (a), the Commissioner may waive compliance with the benefit requirements of this title and the requirements of section 1148 as they relate to the program established under this title, and the Secretary may (upon the request of the Commissioner) waive compliance with the benefits requirements of title XVIII, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

''(d) REPORTS.—

''(1) INTERIM REPORTS.—On or before June 9 of each year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an annual interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials that the Commissioner may consider appropriate.

''(2) TERMINATION AND FINAL REPORT.—The authority under the preceding provisions of this section (including any waiver granted pursuant to subsection (c)) shall terminate 5 years after the date of the enactment of this Act. Not later than 90 days after the termination of any experiment or demonstration project carried out under this section, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to that experiment or demonstration project.''.

(b) CONFORMING AMENDMENTS; TRANSFER OF PRIOR AUTHORITY.—

(1) CONFORMING AMENDMENTS.—

(A) REPEAL OF PRIOR AUTHORITY.—Paragraphs (1) through (4) of subsection (a) and subsection (c) of section 505 of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) are repealed.

(B) CONFORMING AMENDMENT REGARDING FUNDING.—Section 201(k) of the Social Security Act (42 U.S.C. 401(k)) is amended by striking ''section 505(a) of the Social Security Disability Amendments of 1980'' and inserting ''section 234''.

(2) TRANSFER OF PRIOR AUTHORITY.—With respect to any experiment or demonstration project being conducted under section 505(a) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) as of the date of enactment of this Act, the authority to conduct such experiment or demonstration project (including the terms and conditions applicable to the experiment or demonstration project) shall be treated as if that authority (and such terms and conditions) had been established under section 234 of the Social Security Act, as added by subsection (a).

**SEC. 302. DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.**

(a) AUTHORITY.—The Commissioner of Social Security shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1148(k)(3) of the Social Security Act) under which benefits payable under section 223 of such Act, or under section 202 of such Act based on the beneficiary's disability, are reduced by $1 for each $2 of the beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(b) SCOPE AND SCALE AND MATTERS TO BE DETERMINED.—

(1) IN GENERAL.—The demonstration projects developed under subsection (a) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(A) the effects, if any, of induced entry into the project and reduced exit from the project;

(B) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act; and

(C) the savings that accrue to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Ticket to Work and Work Incentives Advisory Panel pursuant to section 101(f)(2)(B)(ii) of this Act.

(2) ADDITIONAL MATTERS.—The Commissioner shall also determine with respect to each project—

(A) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project;

(B) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project; and

(C) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(c) WAIVERS.—The Commissioner may waive compliance with the benefit provisions of title II of the Social Security Act, and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of such Act, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

(d) INTERIM REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Commissioner of Social Security shall submit to Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials that the Commissioner of Social Security may consider appropriate.

(e) FINAL REPORT.—The Commissioner of Social Security shall submit to Congress a final report with respect to all demonstration projects carried out under this section not later than 1 year after their completion.

(f) EXPENDITURES.—Expenditures made for demonstration projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

**SEC. 303. STUDIES AND REPORTS.**

(a) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING DISABILITY-RELATED EMPLOYMENT INCENTIVES.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(b) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING COORDINATION OF THE DI AND SSI PROGRAMS AS THEY RELATE TO INDIVIDUALS ENTERING OR LEAVING CONCURRENT ENTITLEMENT.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such Act, as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individuals under titles XVIII and XIX of such Act.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(c) STUDY BY GENERAL ACCOUNTING OFFICE OF THE IMPACT OF THE SUBSTANTIAL GAINFUL ACTIVITY LIMIT ON RETURN TO WORK.—

(1) STUDY.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall undertake a study of the substantial gainful activity level applicable as of that date to recipients of benefits under section 223 of the Social Security Act (42 U.S.C. 423) and under section 202 of such Act (42 U.S.C. 402) on the basis of a recipient having a disability, and the effect of such level as a disincentive for those recipients to return to work. In the study, the Comptroller General also shall address the merits of increasing the substantial gainful activity level applicable to such recipients of benefits and the rationale for not yearly indexing that level to inflation.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(d) REPORT ON DISREGARDS UNDER THE DI AND SSI PROGRAMS.—Not later than 90 days after the date of enactment of this Act, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) identifies all income, assets, and resource disregards (imposed under statutory or regulatory authority) that are applicable to individuals receiving benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

(2) with respect to each such disregard—

(A) specifies the most recent statutory or regulatory modification of the disregard; and

(B) recommends whether further statutory or regulatory modification of the disregard would be appropriate; and

(3) with respect to the disregard described in section 1612(b)(7) of such Act (42 U.S.C. 1382a(b)(7)) (relating to grants, scholarships, or fellowships received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution)—

(A) identifies the number of individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) who have attained age 22 and have not had any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution excluded from their income in accordance with that section;

(B) recommends whether the age at which such grants, scholarships, or fellowships are excluded from income for purposes of determining eligibility under title XVI of such Act should be increased to age 25; and

(C) recommends whether such disregard should be expanded to include any such grant, scholarship, or fellowship received for use in paying the cost of room and board at any such institution.

(e) STUDY BY THE GENERAL ACCOUNTING OFFICE OF SOCIAL SECURITY ADMINISTRATION'S DISABILITY INSURANCE PROGRAM DEMONSTRATION AUTHORITY.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study to assess the results of the Social Security Administration's efforts to conduct disability demonstrations authorized under prior law as well as under section 301 of this Act.

(2) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this section, together with a recommendation as to whether the demonstration authority authorized under section 301 of this Act should be made permanent.

## TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

**SEC. 401. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.**

(a) CLARIFICATION RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended—

(1) in subparagraph (A), by striking ''by the Commissioner of Social Security'' and ''by the Commissioner''; and

(2) by adding at the end the following:

''(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

''(i) there is pending a request for either administrative or judicial review with respect to such claim; or

''(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

''(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) shall not apply to such redetermination.''.

(b) CORRECTION TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF SOCIAL SECURITY BENEFICIARIES WHO ARE DRUG ADDICTS

AND ALCOHOLICS.—Section 105(a)(5)(B) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended to read as follows:

''(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

''(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act; or

''(ii) whose entitlement to benefits is based upon an entitlement redetermination made pursuant to subparagraph (C).''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

**SEC. 402. TREATMENT OF PRISONERS.**

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following:

''(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution, or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

''(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, Social Security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1) and other provisions of this title; and

''(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

''(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

''(iii) There are authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

''(iv) The Commissioner shall maintain, and shall provide on a reimbursable basis, information obtained pursuant to agreements entered into under this paragraph to any agency administering a Federal or federally-assisted cash, food, or medical assistance program for eligibility and other administrative purposes under such program.''.

(2) CONFORMING AMENDMENTS TO THE PRIVACY ACT.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vi), by striking ''or'' at the end;

(B) in clause (vii), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(viii) matches performed pursuant to section 202(x)(3) or 1611(e)(1) of the Social Security Act (42 U.S.C. 402(x)(3), 1382(e)(1));''.

(3) CONFORMING AMENDMENTS TO TITLE XVI.—

(A) Section 1611(e)(1)(I)(i)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(I)) is amended by striking ''; and'' and inserting ''and the other provisions of this title; and''.

(B) Section 1611(e)(1)(I)(ii)(II) of such Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) is amended by striking ''is authorized to provide, on a reimbursable basis,'' and inserting ''shall maintain, and shall provide on a reimbursable basis,''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''during which'' and inserting ''ending with or during or beginning with or during a period of more than 30 days throughout all of which'';

(B) in clause (i), by striking ''an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)'' and inserting ''a criminal offense''; and

(C) in clause (ii)(I), by striking ''an offense punishable by imprisonment for more than 1 year'' and inserting ''a criminal offense''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) CONFORMING TITLE XVI AMENDMENTS.—

(1) 50 PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting ''(subject to reduction under clause (ii))'' after ''$400'' and after ''$200'';

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv) respectively; and

(C) by inserting after clause (i) the following:

''(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).''.

(2) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of such Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking ''institution'' and all that follows through ''section 202(x)(1)(A),'' and inserting ''institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),''.

(3) ELIMINATION OF OVERLY BROAD EXEMPTION.—Section 1611(e)(1)(I)(iii) of such Act (as redesignated by paragraph (1)(B)) is amended further—

(A) by striking ''(I) The provisions'' and all that follows through ''(II)''; and

(B) by striking ''eligibility purposes'' and inserting ''eligibility and other administrative purposes under such program''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) in section 1611(e)(1)(I)(i) of the Social Security Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) of such Act as amended by subsection (b)(1)(C).

(d) CONTINUED DENIAL OF BENEFITS TO SEX OFFENDERS REMAINING CONFINED TO PUBLIC INSTITUTIONS UPON COMPLETION OF PRISON TERM.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii)(IV), by striking the period and inserting '', or''; and

(C) by adding at the end the following new clause:

''(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.''.

(2) CONFORMING AMENDMENT.—Section 202(x)(1)(B)(ii) of such Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of the enactment of this Act.

**SEC. 403. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.**

(a) IN GENERAL.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefor (in such form and manner, and with such official, as may be prescribed by the Commissioner of Internal Revenue), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1999. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1999, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would

have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding paragraphs (4) and (5) of section 1402(c)) except for the exemption under section 1402(e)(1) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1999, and with respect to monthly insurance benefits payable under title II on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

**SEC. 404. ADDITIONAL TECHNICAL AMENDMENT RELATING TO COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS UNDER TITLES II AND XVI.**

(a) IN GENERAL.—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking ''title XVI'' and inserting ''title II or XVI''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1464).

**SEC. 405. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.**

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: '', and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such employment on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis''.

(b) TECHNICAL AMENDMENTS.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended—

(1) by striking ''(as defined in section 453A(a)(2)(B)(iii))''; and

(2) by inserting ''(as defined in section 453A(a)(2)(B))'' after ''employers'' .

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wage reports required to be submitted on and after the date of enactment of this Act.

**SEC. 406. ASSESSMENT ON ATTORNEYS WHO RECEIVE THEIR FEES VIA THE SOCIAL SECURITY ADMINISTRATION.**

(a) IN GENERAL.—Section 206 of the Social Security Act (42 U.S.C. 606) is amended by adding at the end the following:

''(d) ASSESSMENT ON ATTORNEYS.—

''(1) IN GENERAL.—Whenever a fee for services is required to be certified for payment to an attorney from a claimant's past-due benefits pursuant to subsection (a)(4)(A) or (b)(1)(A), the Commissioner shall impose on the attorney an assessment calculated in accordance with paragraph (2).

''(2) AMOUNT.—

''(A) The amount of an assessment under paragraph (1) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be so certified by subsection (a)(4)(A) or (b)(1)(A) before the application of this subsection, by the percentage specified in subparagraph (B).

''(B) The percentage specified in this subparagraph is—

''(i) for calendar years before 2001, 6.3 percent, and

''(ii) for calendar years after 2000, 6.3 percent or such different percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of certifying fees to attorneys from the past-due benefits of claimants.

''(3) COLLECTION.—The Commissioner may collect the assessment imposed on an attorney under paragraph (1) by offset from the amount of the fee otherwise required by subsection (a)(4)(A) or (b)(1)(A) to be certified for payment to the attorney from a claimant's past-due benefits.

''(4) PROHIBITION ON CLAIMANT REIMBURSEMENT.—An attorney subject to an assessment under paragraph (1) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

''(5) DISPOSITION OF ASSESSMENTS.—Assessments on attorneys collected under this subsection shall be credited to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate.

''(6) AUTHORIZATION OF APPROPRIATIONS.—The assessments authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out title II of the Social Security Act and related laws.

(b) CONFORMING AMENDMENTS.—

(1) Section 206(a)(4)(A) of such Act (42 U.S.C. 606(a)(4)(A)) is amended by inserting ''and subsection (d)'' after ''subparagraph (B)''.

(2) Section 206(b)(1)(A) of such Act (42 U.S.C. 606(b)(1)(A)) is amended by inserting '', but subject to subsection (d) of this section'' after ''section 205(i)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of any attorney with respect to whom a fee for services is required to be certified for payment from a claimant's past-due benefits pursuant to subsection (a)(4)(A) or (b)(4)(A) of section 206 of the Social Security Act after—

(1) December 31, 1999, or

(2) the last day of the first month beginning after the month in which this Act is enacted.

**SEC. 407. PREVENTION OF FRAUD AND ABUSE ASSOCIATED WITH CERTAIN PAYMENTS UNDER THE MEDICAID PROGRAM.**

(a) REQUIREMENTS FOR PAYMENTS.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) (as amended by section 201(a)(3)(B)) is amended further—

(1) in paragraph (20), by striking the period at the end and inserting ''; or''; and

(2) by inserting immediately after paragraph (20) the following:

''(21) with respect to any amount expended for an item or service provided under the plan, or for any administrative expense incurred to carry out the plan, which is provided or incurred by, or on behalf of, a State or local educational agency or school district, unless payment for the item, service, or administrative expense is made in accordance with a methodology approved in advance by the Secretary under which—

''(A) in the case of payment for—

''(i) a group of individual items, services, and administrative expenses, the methodology—

''(I) provides for an itemization to the Secretary that assures accountability of the cost of the grouped items, services, and administrative expenses and includes payment rates and the methodologies underlying the establishment of such rates;

''(II) has an actuarially sound basis for determining the payment rates and the methodologies; and

''(III) reconciles payments for the grouped items, services, and administrative expenses with items and services provided and administrative expenses incurred under this title; or

''(ii) an individual item, service, or administrative expense, the amount of payment for the item, service, or administrative expense does not exceed the amount that would be paid for the item, service, or administrative expense if the item, service, or administrative expense were incurred by an entity other than a State or local educational agency or school district, unless the State can demonstrate to the satisfaction of the Secretary a higher amount for such item, service, or administrative expense; and

''(B) in the case of a transportation service for an individual under age 21 who is eligible for medical assistance under this title (whether or not the child has an individualized education program established pursuant to part B of the Individuals with Disabilities Education Act)—

''(i) a medical need for transportation is noted in such an individualized education program (if any) for the individual, including such an individual residing in a geographic area within which school bus transportation is otherwise not provided;

''(ii) in the case of a child with special medical needs, the vehicle used to furnish such transportation service is specially equipped or staffed to accommodate individuals with special medical needs; and

''(iii) payment for such service only—

''(I) is made with respect to costs directly attributable to the costs associated with transporting such individuals whose medical needs require transport in such a vehicle; and

''(II) reflects the proportion of transportation costs equal to the proportion of the school day spent by such individuals in activities relating to the receipt of covered services under this title or such other proportion based on an allocation method that the Secretary finds reasonable in light of the benefit to the program under this title and consistent with the cost principles contained in OMB Circular A–87; or

''(22) with respect to any amount expended for an item or service under the plan or for any administrative expense to carry out the plan provided by or on behalf of a State or local agency (including a State or local educational agency or school district) that enters into a contract or other arrangement with a person or entity for, or in connection with, the collection or submission of claims for such expenditures, unless, notwithstanding section 1902(a)(32), the agency—

''(A) uses a competitive bidding process or otherwise to contract with such person or entity at a reasonable rate commensurate with the services performed by the person or entity; and

''(B) requires that any fees (including any administrative fees) to be paid to the person or entity for the collection or submission of such claims are identified as a non-contingent, specified dollar amount in the contract.''; and

(3) in the third sentence, by striking ''(17), and (18)'' and inserting ''(17), (18), (19), and (21)''.

(b) PROVISION OF ITEMS AND SERVICES THROUGH MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) CONTRACTUAL REQUIREMENT.—Section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) is amended by redesignating clause (xi) (as added by section

nating clause (xi) (as added by section 4701(c)(3) of the Balanced Budget Act of 1997) as clause (xiii), by striking ''and'' at the end of clause (xi), and by inserting after clause (xi) the following:

''(xii) such contract provides that with respect to payment for, and coverage of, such services, the contract requires coordination between the State or local educational agency or school district and the medicaid managed care organization to prevent duplication of services and duplication of payments under this title for such services.''

(2) PROHIBITION ON DUPLICATIVE PAYMENTS.—

(A) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C 1396b(i)), as amended by subsection (a), is amended—

(i) in paragraph (22), by striking the period and inserting ''; or''; and

(ii) by adding at the end the following:

''(23) with respect to any amount expended under the plan for an item, service, or administrative expense for which payment is or may be made directly to a person or entity (including a State or local educational agency or school district) under the State plan if payment for such item, service, or administrative expense was included in the determination of a prepaid capitation or other risk-based rate of payment to an entity under a contract pursuant to section 1903(m).''.

(B) CONFORMING AMENDMENT.—The third sentence of section 1903(i) of such Act (42 U.S.C. 1396b(i)), as amended by subsection (a)(3), is amended by striking ''and (21)'' and inserting ''(21), and (23)''.

(c) ALLOWABLE SHARE OF FFP WITH RESPECT TO PAYMENT FOR SERVICES FURNISHED IN SCHOOL SETTING.—Section 1903(w)(6) of the Social Security Act (42 U.S.C. 1396b(w)(6)) is amended—

(1) in subparagraph (A), by inserting ''subject to subparagraph (C),'' after ''subsection,''; and

(2) by adding at the end the following:

''(C) In the case of any Federal financial participation amount determined under subsection (a) with respect to any expenditure for an item or service under the plan, or for any administrative expense to carry out the plan, that is furnished by a State or local educational agency or school district, the State shall provide that there is paid to the agency or district a percent of such amount that is not less than the percentage of such expenditure or expense that is paid by such agency or district.''.

(d) UNIFORM METHODOLOGY FOR SCHOOL-BASED ADMINISTRATIVE CLAIMS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Health Care Financing Administration, in consultation with State medicaid and State educational agencies and local school systems, shall develop and implement a uniform methodology for claims for payment of administrative expenses furnished under title XIX of the Social Security Act by State or local educational agencies or school districts. Such methodology shall be based on standards related to time studies and population estimates and a national standard for determining payment for such administrative expenses.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section (other than by subsection (b)) shall apply to items and services provided on and after the date of enactment of this Act, without regard to whether implementing regulations are in effect.

(2) MANAGED CARE AMENDMENTS.—The amendments made by subsection (b) shall apply to contracts entered into or renewed on or after the date of the enactment of this Act.

(3) REGULATIONS.—The Secretary of Health and Human Services shall promulgate such final regulations as are necessary to carry out the amendments made by this section not later than 1 year after the date of the enactment of this Act.

**SEC. 408. EXTENSION OF AUTHORITY OF STATE MEDICAID FRAUD CONTROL UNITS.**

(a) EXTENSION OF AUTHORITY TO INVESTIGATE AND PROSECUTE FRAUD IN OTHER FEDERAL HEALTH CARE PROGRAMS.—Section 1903(q)(3) of the Social Security Act (42 U.S.C. 1396b(q)(3)) is amended—

(1) by inserting ''(A)'' after ''in connection with''; and

(2) by striking ''title.'' and inserting ''title; and (B) upon the approval of the Inspector General of the relevant Federal agency, any aspect of the provision of health care services and activities of providers of such services under any Federal health care program (as defined in section 1128B(f)(1)), if the suspected fraud or violation of law in such case or investigation is primarily related to the State plan under this title.''.

(b) RECOUPMENT OF FUNDS.—Section 1903(q)(5) of such Act (42 U.S.C. 1396b(q)(5)) is amended—

(1) by inserting ''or under any Federal health care program (as so defined)'' after ''plan''; and

(2) by adding at the end the following: ''All funds collected in accordance with this paragraph shall be credited exclusively to, and available for expenditure under, the Federal health care program (including the State plan under this title) that was subject to the activity that was the basis for the collection.''.

(c) EXTENSION OF AUTHORITY TO INVESTIGATE AND PROSECUTE RESIDENT ABUSE IN NON-MEDICAID BOARD AND CARE FACILITIES.—Section 1903(q)(4) of such Act (42 U.S.C. 1396b(q)(4)) is amended to read as follows:

''(4)(A) The entity has—

''(i) procedures for reviewing complaints of abuse or neglect of patients in health care facilities which receive payments under the State plan under this title;

''(ii) at the option of the entity, procedures for reviewing complaints of abuse or neglect of patients residing in board and care facilities; and

''(iii) procedures for acting upon such complaints under the criminal laws of the State or for referring such complaints to other State agencies for action.

''(B) For purposes of this paragraph, the term 'board and care facility' means a residential setting which receives payment (regardless of whether such payment is made under the State plan under this title) from or on behalf of two or more unrelated adults who reside in such facility, and for whom one or both of the following is provided:

''(i) Nursing care services provided by, or under the supervision of, a registered nurse, licensed practical nurse, or licensed nursing assistant.

''(ii) A substantial amount of personal care services that assist residents with the activities of daily living, including personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, self-medication, body care, travel to medical services, essential shopping, meal preparation, laundry, and housework.''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act.

**SEC. 409. SPECIAL ALLOWANCE ADJUSTMENT FOR STUDENT LOANS.**

(a) AMENDMENT.—Section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) is amended—

(1) in subparagraph (A), by striking ''(G), and (H)'' and inserting ''(G), (H), and (I)'';

(2) in subparagraph (B)(iv), by striking ''(G), or (H)'' and inserting ''(G), (H), or (I)'';

(3) in subparagraph (C)(ii), by striking ''(G) and (H)'' and inserting ''(G), (H), and (I)'';

(4) in the heading of subparagraph (H), by striking ''JULY 1, 2003'' and inserting ''JANUARY 1, 2000'';

(5) in subparagraph (H), by striking ''July 1, 2003,'' each place it appears and inserting ''January 1, 2000,''; and

(6) by inserting after subparagraph (H) the following new subparagraph:

''(I) LOANS DISBURSED ON OR AFTER JANUARY 1, 2000, AND BEFORE JULY 1, 2003.—

''(i) IN GENERAL.—Notwithstanding subparagraphs (G) and (H), but subject to paragraph (4) and clauses (ii), (iii), and (iv) of this subparagraph, and except as provided in subparagraph (B), the special allowance paid pursuant to this subsection on loans for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, shall be computed—

''(I) by determining the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period;

''(II) by subtracting the applicable interest rates on such loans from such average bond equivalent rate;

''(III) by adding 2.34 percent to the resultant percent; and

''(IV) by dividing the resultant percent by 4.

''(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, and for which the applicable rate of interest is described in section 427A(k)(2), clause (i)(III) of this subparagraph shall be applied by substituting '1.74 percent' for '2.34 percent'.

''(iii) PLUS LOANS.—In the case of any loan for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, and for which the applicable rate of interest is described in section 427A(k)(3), clause (i)(III) of this subparagraph shall be applied by substituting '2.64 percent' for '2.34 percent', subject to clause (v) of this subparagraph.

''(iv) CONSOLIDATION LOANS.—In the case of any consolidation loan for which the application is received by an eligible lender on or after January 1, 2000, and before July 1, 2003, and for which the applicable interest rate is determined under section 427A(k)(4), clause (i)(III) of this subparagraph shall be applied by substituting '2.64 percent' for '2.34 percent', subject to clause (vi) of this subparagraph.

''(v) LIMITATION ON SPECIAL ALLOWANCES FOR PLUS LOANS.—In the case of PLUS loans made under section 428B and first disbursed on or after January 1, 2000, and before July 1, 2003, for which the interest rate is determined under section 427A(k)(3), a special allowance shall not be paid for such loan during any 12-month period beginning on July 1 and ending on June 30 unless, on the June 1 preceding such July 1—

''(I) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1 (as determined by the Secretary for purposes of such section); plus

''(II) 3.1 percent,

exceeds 9.0 percent.

''(vi) LIMITATION ON SPECIAL ALLOWANCES FOR CONSOLIDATION LOANS.—In the case of consolidation loans made under section 428C and for which the application is received on or after January 1, 2000, and before July 1, 2003, for which the interest rate is determined under section 427A(k)(4), a special allowance shall not be paid for such loan during any 3-month period ending March 31,

June 30, September 30, or December 31 unless—

''(I) the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period; plus

''(II) 2.64 percent,

exceeds the rate determined under section 427A(k)(4).''.

(b) EFFECTIVE DATE.—Subparagraph (I) of section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) as added by subsection (a) of this section shall apply with respect to any payment pursuant to such section with respect to any 3-month period beginning on or after January 1, 2000, for loans for which the first disbursement is made after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the Social Security disability program provides essential income to those who are unable to work due to severe illness or injury. Last year, benefits were paid to over 6 million workers, their wives and their children. Since arriving on Capitol Hill some 27 years ago, I have worked to find ways to make this complex and often unfriendly program work better.

Most of those receiving disability benefits, due to the severity of their impairments, cannot attempt to work. Today, however, because of the Americans with Disabilities Act, along with advancements in assistive technology, medical treatment and rehabilitation, doors are opening for opportunities never thought possible to individuals with disabilities. Now one can telecommute to work, there are voice-activated computers, and as technology provides new ways to clear hurdles presented by a disability, government must also keep pace by providing opportunity and not just dependency.

Yet, current law still tends to chain individuals with disabilities to the system through complex so-called ''work incentives.'' In essence, individuals who work lose cash benefits along with access to essential medical coverage. This bill assists beneficiaries to pass through those doors of opportunity and return to self-sufficiency. I cannot think of anything more important than providing support to allow individuals the freedom to reach their utmost potential and that is what this bill is all about.

□ 1545

During the last Congress, former Social Security Chairman JIM BUNNING and ranking member Barbara Kennelly initiated similar bipartisan legislation. This bill passed the Committee on Ways and Means by 33 to 1. The bill last year passed the House of Representatives by 410 to 1. Unfortunately, in the last Congress it was never considered by the other body. I compliment the gentleman from Missouri (Mr. HULSHOF) for taking up the cause in the 106th Congress and introducing this bill. It is an outstanding piece of legislation, and I strongly recommend it to my colleagues.

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

Mr. Speaker, let me congratulate the gentleman from Texas for this bipartisan effort to make certain that those people who are disabled can make that transition into the labor market.

This is a bill that was cosponsored by all of the Democrats on the Committee on Ways and Means. It was a bill that has been worked out by Republicans and Democrats not working in a partisan way, but trying to make life easier without losing benefits for those people that suffer disabilities. This, I think, really shows what can happen when people put partisanship behind them and try to work together.

This was not a case where the majority was asking for the President to send them a plan, no. It was as legislators they got together and drafted the plan. As we have been able to work out differences on this bill, why can we not do this with Medicare? Why can we not do it with prescription drugs? Why can we not do it with Social Security?

Oh, I know we will hear screams that the President really ought to send us something to guide us. Mr. Speaker, my colleagues did not ask the President for any guidance when they decided to enact the $792 billion tax cut, and we did not ask for a whole lot of guidance to come up with this decent piece of legislation.

So, Mr. Speaker, I say congratulations to Democrats and Republicans for doing the right thing, and I hope this might be just one giant step forward in moving toward resolving the Social Security problem that we have.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. MATSUI), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri (Mr. HULSHOF) will control the remaining time for the gentleman from Texas (Mr. ARCHER).

There was no objection.

Mr. HULSHOF. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. SHAW), the Chairman of the Subcommittee on Social Security who has been championing this issue through our subcommittee.

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

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding this time to me and congratulate the gentleman for his good work in seeing that this was reintroduced and brought to the House floor, an extremely important piece of legislation.

Mr. Speaker, today I welcome the chance to speak in support of this excellent bill. Simply put, this bill is about work. Its aim is to help individuals with disability achieve their goals of working and supporting themselves and their family.

Through Subcommittee on Social Security hearings over the past 4 years, we have been told over and over again that people with disabilities do want to work. That has always been the case. What has changed is the fact that advances in medicine, technology, and the field of rehabilitation have given many individuals with disabilities a real chance to work. The next step is to redesign our programs to encourage, rather than discourage, their efforts.

With H.R. 1180 we are helping disabled individuals take advantage of these advances in science and medicine both by allowing them to obtain needed rehabilitation and support services and by removing barriers that have prevented them from becoming self-sufficient. Topping the list of barriers is fear of losing health coverage, the cash benefits.

Another disincentive is that beneficiaries currently have limited choices in selecting rehabilitation services and the providers of these services. To address these concerns we would allow the Social Security Administration to begin offering new tickets that disabled Social Security supplemental security income beneficiaries could use to purchase services to help them enter the work force. Disabled individuals in every State will be able to meet with service providers of their choice to develop a personalized employment plan. The Government will pay for services needed to help them work, rewarding the results by paying the service provider part of the benefit savings when disabled individuals leave the rolls.

I would just like to take this one-half minute to ask really the other side and the White House to really bring the spirit of cooperation together. We have reached out to the Democrat side on many occasions in order to try to bring the spirit of the ticket of work to Social Security.

Social Security should not be a partisan issue. There are Democrats and Republicans, millions across this country, who are dependent upon and will be dependent upon the Social Security Administration to keep them out of poverty, and it is time that this Congress and the White House stops the politicking and the wall of silence that

we are receiving from the other side end and that we work together to do great things like we are doing today.

Mr. MATSUI. Mr. Speaker, I yield myself 3 minutes.

I do not know if I will take the entire 3 minutes, in which case I will reserve my time; but let me just say that this bill passed in the last Congress with over 400 votes. Only one Member voted against it, and obviously it has strong bipartisan support at this time. It is a kind of bill that all of us obviously realize is extremely important for the disabled. Basically what it will do that is so important to the disabled is continue Medicare benefits once the disabled person is in the work force.

The real issue here is that we give, instead of 4 years, we give them a total of 10 years; and in my opinion this will go a long ways in keeping people that have disabilities in the work force.

In addition to this, one of the major components of it is that it sets up a program that allows the disabled to go into private or public type agencies for support services such as job training, job searches and things of that nature.

I want to commend both the majority and the minority staff for their leadership in making this work out. We did have some problems obviously before the committee markup and after the committee markup and during the committee markup. On the other hand, I think the results that we have today on the floor of the House are excellent.

I want to also commend both the Committee on Commerce and the Committee on Ways and Means for working together and ironing out our differences.

Hopefully, this bill will get to conference soon so that we can get it to the President, and there is no politics in this issue. I think people had a good-faith belief in their differences, but we were able to resolve them and come to some conclusion.

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

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that each side will have an additional 5 minutes for a total of 10 minutes to be added to the entirety of the debate.

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

There was no objection.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. RAMSTAD), cochair of the Disability Caucus.

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

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

Mr. Speaker, this day has been a long time coming. I first heard about this problem in 1981 when I was attending a meeting as a young State senator at the Courage Center in Golden Valley, Minnesota. Jeff Bangsberg, a person with quadriplegia, told me how it was not economically sensible for him to work because he would lose his health benefits, and then Tom Haben told me the same thing, and one after another people with disabilities at that meeting in 1981 when I was a young State senator explained why it did not make sense for them from an economic standpoint to work, and that is why I am so grateful for this day when we are getting near to passing this important legislation because eliminating work disincentives for people with disabilities is not just humane public policy, it is sound fiscal policy.

It is not only the right thing to do, but it is clearly the cost-effective thing to do. People with disabilities have to make decisions on financial reality, and they should not be penalized for going to work, they should have incentives to go to work, and I appreciate the bipartisan cooperation on this important legislation.

Mr. Speaker, I want to thank the people back in Minnesota who have advised me on this bill, people with disabilities who will be outlined for the RECORD, and I have said many times before passing this bill, passing this bill today is one of the most important things we could do as a Congress and as a people.

Mr. Speaker, this day has been a long time coming. Since my election to this body in 1990, and as a Minnesota State Senator ten years prior, I have worked hard to help people with disabilities live up to their full potential. That's why, in 1993, Representative PETE STARK and I introduced legislation to achieve the same goal we seek today. Glad we're finally here, PETE.

Nine years ago, President Bush signed the ADA into law and reminded us that ''many of our fellow citizens with disabilities are unemployed. They want to work and they can work . . . this is a tremendous pool of people who will bring to jobs diversity, loyalty, low turnover rate, and only one request: the chance to prove themselves.''

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

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

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

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

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

Transforming these federal programs to spring-boards into the workforce for people with disabilities is the goal of legislation that I have cosponsored this important legislation before us today.

I want to publicly thank the people who have worked so tirelessly on this legislation, especially Kim Hildred and Beverly Crawford of the Ways and Means Committee.

But most importantly, I want to thank my friends with disabilities back in Minnesota who have counseled me on these issues for two decades.

Mary O'Hara Anderson, Mary Jean Babock, Jeff and Anita Bangsberg, Bill Blom, Gary Boetcherk, Wendy Brower, Mary Helen Gunkler, Tom Haben, Mark Hughes, Carol and Jonathan Hughes, Mary Kay Kennedy, Mary Jo Nichols, Joyce Scanlan, Rand Stenhjem, Colleen Wieck, Leah Welch—this day is for you!

As I have said many times, preventing people from working runs counter to the American spirit, one that thrives on individual achievements and the larger contributions to society that result. We must stay true to our Nation's spirit and pass H.R. 1180 today!

Mr. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from California (Mr. MATSUI) for yielding this time to me.

Mr. Speaker, if we can help disabled individuals reenter and stay in the work force, we should do that. It clearly makes sense from a fiscal perspective, and it exemplifies our values as a Nation. I plan to vote for H.R. 1180 for one reason and one reason only. The programs it establishes are in the best interests of disabled individuals and the Nation.

However, it is important for us to recognize that this bill is not the same as the one 279 Members of this body cosponsored. It started out stronger, but that was before Members less dedicated to the policy and more dedicated to the politics of this bill got hold of it. Republican members of the Committee on Ways and Means got a hold of the original bill.

As a result, we are being asked to consider without amendment a weak alternative to a strong bill. For political reasons rather than policy reasons we are only partially funding H.R. 1180. The Ways and Means majority ignored committee jurisdiction to include Medicaid offsets in H.R. 1180, then refused to cooperate on a noncontroversial offset for which the Committee on Commerce has primary jurisdiction.

Apparently some Committee on Ways and Means members' feathers were ruffled that the Committee on Commerce would even suggest the Medicare part B offset. Somehow they felt justified in claiming the Committee on Commerce had overstepped our jurisdiction. In fact, of the two committees, the Committee on Commerce is the one that did not attempt to overstep its jurisdiction.

Republican Ways and Means leadership claims the administration refused

to lift a finger to help find offsets for this bill. I was there. I can assure my colleagues that this assertion is patently false. As a matter of fact, the administration helped us identify the very offset that the Committee on Ways and Means refused to accept. Basically, the Committee on Ways and Means majority leadership broke the rules to fund the pieces of the bill they liked and co-opted the rules in attempt to kill the sections of the bill they did not like, and none of their actions reflects what is best for the disabled community or for American taxpayers.

The original Work Incentive Act that passed out of the Committee on Commerce has well over a majority of Members of this body sponsoring it. H.R. 1180 funds Medicare and Medicaid options for disabled individuals who want to return to work. It funds a demonstration program, the goal of which is to prevent disabled individuals from being forced to leave a job because of a degenerative illness. Ignoring for a moment what our values as a Nation say about supporting the effort to contribute to society, let us talk dollars and cents. The work incentives bill enables disabled individuals to work instead of being dependent on cash assistance.

□ 1600

The effect of the bill is to reduce the cost of cash assistance programs. Knowing they will have health insurance should they return to work, disabled people would not need to remain dependent on cash assistance. We should be considering full funding for H.R. 1180, which means we should be considering the Commerce bill.

Finally, Mr. Speaker, I want to address the issue of offsets. The majority cited the fact that offsets have not been agreed upon as a justification for weakening this bill. I have to say that concerns raised by the majority are more than a little ironic given their arbitrary application of pay-as-you-go rules. The $792 billion tax cut bill had no offsets nor did the $48 billion tax cut for buying health insurance. Both bills are touted as helping one population, but in reality, help another.

The tax bill ostensibly would provide the bulk of the tax cut to those Americans who make up the majority of the population and happen to need the money; that is, to low- and middle-income families. Simply not so. The access bill ostensibly would expand access to those most likely to be uninsured and least able to afford coverage. Again, not so. These bills generally skip over those in need of help and help those with influence.

In contrast, the Work Incentives Act which we know would actually help the intended beneficiaries, people with disabilities, apparently has been slashed by the Committee on Ways and Means for the lack of considerably fewer dollars in offsets. Apparently, there is one set of rules for bills that aid Americans with money and power and another set of rules for those bills that help the less fortunate.

Mr. Speaker, I am going to vote for this bill. I expect and hope a majority of our colleagues will vote for this bill, but I hope those who underfunded this version of H.R. 1180 will reconsider and work with us in conference to achieve the strongest bill possible.

Mr. HULSHOF. Mr. Speaker, I yield myself 30 seconds.

I am disappointed, Mr. Speaker, that the gentleman from Ohio who just spoke would take such a negative tone. This really was an effort to reach bipartisan consensus. In fact, I would point out to the gentleman that in the last Congress, by a vote of 410-to-1, we passed a Ticket to Work piece of legislation and made vast improvements to that bill, and that is the bill that is in front of the House today. I would regrettably urge the gentleman to support the bill.

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

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of H.R. 1180 in memory of a fine San Diegan who died last May, who died too soon, whose life work lives on.

Holly Caudill of San Diego, California was a vigorous and tireless advocate for persons with disabilities. She was a young lawyer, a native of the State of Washington, an assistant U.S. Attorney, and she was a quadriplegic. She died last year.

I would like to quote from San Diego Union Columnist Peter Rowe who was a preeminent teller of Holly's life and her advocacy. ''There are thousands of people, there may be tens of thousands of people, just like her,'' said Cyndi Jones, Director of the Accessible Society Action Project, ASAP, a San Diego-based organization that lobbies on behalf of the disabled.

''If you are disabled and Washington, via Social Security or Medicare, pays some of your health bills, you cannot work. Without a job, there is a good chance you will end up on welfare.''

Holly fought until the very last second not to be on welfare, to fight because she wanted to work, she wanted to be an active member of this society, but our government stopped it.

I laud the authors of this bill.

Mr. Speaker, I met Ms. Caudill some years ago in a meeting where she gave me the benefit of her experience. Notwithstanding the fact that she was eager and qualified to work, the existing system of medical benefits, disability coverage, and other government programs made productive work almost impossible.

A job with greater pay meant a severe reduction in benefits payments, providing a powerful disincentive against paid work for her and for other Americans with severe disabilities.

Her knowledge of the system, and her determination to succeed, together with support from others that she inspired, helped Ms. Caudill to continue to work and be a tax-paying citizen. When it cam to this basic principle—that people who work for pay should not have the government arrayed against them—Holly Caudill was second to none as a vigorous, determined, effective and inspirational advocate.

I recall most vividly that in the 105th Congress, at her request, I helped her to meet with House Speaker Newt Gingrich. He was the sponsor of H.R. 2020, the Medicaid Community Attendant Services Act, which would have made a greater amount of attendant services benefits payable under the Medicaid program. She had a long and wide-ranging discussion with the Speaker and his staff—about her life, about the Speaker's bill, and, most importantly, about how important it was to stop government programs from being such a barrier to work and dignity for persons with disabilities.

The Speaker himself remarked to me on several occasions about Ms. Caudill's vigor and determination, and what an inspiration she was.

With her advice, I was privileged to add my name as a cosponsor to H.R. 2020, which had 76 cosponsors at the close of the 105th Congress.

And in this Congress, I am honored to be one of 249 cosponsors of a similar measure introduced by the gentleman from New York, Mr. LAZIO, which is H.R. 1180, the Work Incentives Improvement Act.

The fact that this legislation is before us today is testimony to the power of Holly Caudill's message: that, in America, the system ought to work for people with disabilities, not against them, so that we all have a fighting chance to achieve the American Dream.

Mr. Speaker, Holly Caudill had the ability. She had the desire. She found the whole system aligned against her iron will to work. Yet she did work. She helped to make our system of justice work as an Assistant U.S. Attorney, while she so vigorously advocated for justice and dignity in work for persons with disabilities.

Before she reached her goal, of an America where people with disabilities could work and enjoy the fruits of their labors, our Heavenly Father brought her home. There are no wheelchairs there, Mr. Speaker.

Let the permanent Record of the Congress of the United States today note that Ms. Holly Caudill, Assistant U.S. Attorney in San Diego, California, was an inspiration to me and to many others, and a friend of America. May God rest her soul, and give peace to her family, friends, co-workers, and to so many others that she touched.

Today, by adopting this bill, we help to remember well her life's purpose.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Maryland (Mr. CARDIN), the ranking member of the Committee on Ways and Means and the Subcommittee on Human Resources.

Mr. CARDIN. Mr. Speaker, I want to thank the gentleman for yielding me this time and thank him for the work that he has done on this very important legislation. I want to compliment the leadership of both the Committee on Ways and Means and the Committee on Commerce on both sides of the aisle.

I think the gentleman from Ohio (Mr. BROWN) has pointed out that we have not completed our work yet, but this is a good bill. This is a bill that we need

to move forward, and I do hope that it will be even strengthened as it moves through the Senate, the other body, and through conference.

Mr. Speaker, we are talking about 4.7 million Americans who are currently on SSDI, Social Security Disability, and 4.3 that are on SSI. Of this number, only about 10,000 move off the rolls every year to work. That is not acceptable for this Nation.

Let me just talk economics for a moment, if I might. For every 1 percent of the disabled that we can move off of SSDI and SSI into work, we save during their beneficiary's lifetime $3 billion in benefits. So it is in our financial interests to work to get people who are on disability to work.

The problem is that the current system puts too many barriers in the way for people to leave the disability rolls to work. People want to work, but our system prevents them from working. What the Ticket to Work legislation does is provide more providers, a choice of providers, to help people with disabilities to become gainfully employed. It offers incentive payments so that the provider has incentives to work with the beneficiary to get the individual a job, to get the individual employed.

It removes the disincentives. Perhaps the greatest disincentive is health benefits. Currently, only 35 percent of the people who leave disability to get gainful employment find health insurance, and yet if one is disabled, it is virtually impossible for one to leave the disability rolls where one has guaranteed health benefits unless one has health insurance.

So what this legislation does is provide a way that we can continue health benefits for people who work off of the disability rolls. That makes sense for the individual, it makes sense for us.

We also make it easier for an individual to be able to get back on cash assistance if the work experience does not work. We want people to take the risk to go to work. If it does not work, we should be able to come back and help that individual. We have taken care of that particular problem.

Mr. Speaker, we brag, both parties, about how low the unemployment rates are in this Nation. We are very proud of what we have been able to do with our economy, and yet, for the disabled population, the unemployment rate is 75 percent. That is unacceptable. We need to do something about it. The Ticket to Work legislation is aimed at reducing that unemployment number to help people become employed. This is a good step forward; I hope that we can improve it as it goes through the process, but I would urge all of my colleagues to support the legislation.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, it seems axiomatic that every American should have the right to aspire to the American dream. In America, every citizen should have the opportunity to participate in our economy to the extent of their talent or abilities in order to claim their stake in the American dream. Unfortunately, many individuals with disabilities have had the American dream recede beyond their reach, not because of physical limitations, but because of roadblocks created within our system of social services. These artificial barriers unfairly and arbitrarily reduce work force participation and economic opportunity for many of these Americans who want to work.

Mr. Speaker, the time has come to empower these Americans to participate fully in the cornucopia of our national economy.

I rise in strong support of this legislation, a bill that would empower citizens with disabilities by improving their access to the job market, extending their health care coverage when they participate in the work force, and by selectively liberalizing the Social Security earnings limit. These changes are long overdue and need to be regarded as an initial modest step in the direction of giving those among us with disabilities greater control over their own destiny and ultimately freedom.

Mr. MATSUI. Mr. Speaker, may I inquire as to how much time each side has remaining?

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentleman from California (Mr. MATSUI) has 14 minutes remaining; the gentleman from Missouri (Mr. HULSHOF) has 17 minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, no group is more deserving of our support than persons with severe disabilities who want to work and be contributing members of society but who need help, particularly medical help, to be able to work. And, no public policy makes more sense than providing that support at a stage that will prevent a potentially severe disability from getting worse.

Both of these things are what this bill is about. That is why I recommend that members vote for it and move this process forward into conference with the Senate.

Of course, I regret that the House does not have the opportunity today to pass H.R. 1180 as it was reported out by the Committee on Commerce with unanimous bipartisan support.

That legislation, which had some 247 bipartisan cosponsors in the House, provided, in my view, the most complete and necessary assurance of coverage for severely disabled individuals who need medical help to work, and provided assured support for State efforts to also help potentially severely disabled individuals from deteriorating to the point of complete disability before they can get help. It provided assurance of permanent Medicare coverage, and it provided incentives to States to extend Medicaid services and establish the infrastructure to help assure help to these individuals.

This legislation falls short in several ways. It does, though, give us the opportunity to join in a conference with the Senate. It is good enough to take the steps to move this process forward, and I hope and expect that we will bring back to this House from the conference with the Senate a stronger bill, much closer in its provisions to H.R. 1180 as it was introduced. Clearly, there is much work still to be done.

I commend those who have worked so hard in support of this legislation. Groups representing the disability community have worked tirelessly to bring legislation to fruition. The President, who urged action in his State of the Union message, the members on both sides of the aisle in the Senate, Senators ROTH and MOYNIHAN, JEFFORDS and KENNEDY, in particular. In the House, the gentleman from New York (Mr. LAZIO), who introduced the original bill; the gentleman from California (Mr. MATSUI), who has been working in this area for a great deal of time and has produced a good bill out of the Committee on Ways and Means; and so many of our colleagues in the House all deserve credit that this legislation is moving today.

I urge support for the bill, but even more, I urge that we all work to better meet the promise we have made to those Americans facing or dealing with severe disabilities who want to work. They deserve the best bill we can give them. I hope when we send this legislation on to the President, it will be just that.

Mr. HULSHOF. Mr. Speaker, if the gentleman from California will indulge me, we have a handful of 1-minute speakers, and at this time I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), my good friend.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Missouri for his hard work on the Committee on Ways and Means. I rise in strong support of this legislation.

Mr. Speaker, I find it unfortunate that in the midst of this triumph for all of the American people, and especially the disabled, there are those on this floor who would come to deal with jurisdictional issues and inside baseball issues that at this point seem, quite frankly, rather petty.

I have heard from many of my constituents. A dear lady in Apache Junction, Arizona at our town hall meeting who came to point out to me that she wants to work, but that there have been disincentives that eventually barred her from the opportunity to work. This legislation deals with that problem. It allows her to get back to work.

Mr. Speaker, 75 percent of working-age adults with disabilities are out of work. That is the unemployment rate. That is what we are dealing with here, Mr. Speaker, not jurisdictional issues,

but a chance to give those people an opportunity to work, for the limits they have confronted are not physical, they are financial.

I rise in strong support of the legislation and I am pleased to urge its passage.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FOLEY), another champion on the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I commend this legislation. I am pleased to join my colleagues in supporting the Work Incentive Improvement Act on the House floor here today.

It has been almost 10 years since the Americans with Disabilities Act was signed into law. This law was intended to remove barriers that prevent disabled individuals from enjoying a full life. It is ironic that many of the doors that were supposed to be opened by the ADA are still firmly closed because people who choose to work risk losing the health care benefits they desperately need. It is like giving someone a driver's license and telling them they are capable of driving a car, but charging them $50,000 a year for insurance. They would not be able to drive unless they were rich.

For too long, many individuals with disabilities have not had the freedom that the rest of us have to pursue their goals and dreams.

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They live in fear of losing the health care that is essential to their functioning independently. They have lived with the frustration of trying to enter a job market that is becoming increasingly technical and competitive. They cannot earn enough to buy a home on their own or to build up a savings account.

I hope that this Ticket to Work Act will ease some of this fear and frustration and restore a sense of freedom.

We all know the barriers in discrimination still exist with the disabled as with other groups in society; but if we could pass this bill, it will have another significant step toward removing these barriers. A disability should not be a hindrance to achieving the American dream.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HERGER), another member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I rise today in strong support of the Ticket to Work and the Work Incentive Improvement Act. I am particularly pleased that this legislation includes a provision that I offered, the Criminal Welfare Prevention Act Part Two, which will save taxpayers millions of dollars by bolstering efforts to deny fraudulent Social Security benefits to prisoners.

My original Criminal Welfare Prevention Act has enabled the Social Security Administration to establish a system for cutting off these fraudulent government benefits. This new provision included in the legislation before us today will improve this system; thus, saving taxpayers an estimated $123 million over the next 5 years.

I want to thank the gentleman from Texas (Chairman ARCHER), the gentleman from Florida (Chairman SHAW) and the gentleman from Missouri (Mr. HULSHOF) for their continued support. I look forward to seeing this worthy legislation enacted into law.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN), my good friend and classmate.

(Mr. MORAN of Kansas asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Kansas. Mr. Speaker, in this chorus of accolades, and I wholeheartedly support the original intent of this bill, in fact I am a cosponsor of H.R. 1180, improving the current system to provide real choices for people with disabilities is essential; but unfortunately, this bill we are considering today is not H.R. 1180. This bill includes troubling language from the substitute bill which will cost Kansans and other State school districts millions of dollars.

Section 408 of this bill would impact medicaid funding for school districts and their education of disabled children. 408 precludes or significantly restricts the use of bundled rates. The bundling system allows schools to minimize paperwork for billing, rather than individual services provided to each child.

Kansas is one of seven States that has a HCFA-approved bundling system. This administrative change will impose burdens, economic costs upon our schools to the tune of $17 million.

Mr. Speaker, small schools are struggling today to survive and in the time and cost it takes to package this reimbursement opportunity we will not be able to afford the reimbursement.

Mr. Speaker, I ask that the conferees take a look at this provision.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, as an original cosponsor of this measure back in March, I was particularly pleased when it received the unanimous approval of the United States Senate. However, I dissented from this particular version of the bill when it was before the Committee on Ways and Means because some last minute changes in the bill changed its form and substantially weakened it.

I am pleased that today a number of further amendments have restored much of the harm that was done prior to the Committee on Ways and Means meeting. My concern has been that without the guarantee of health insurance this will not be for individuals with disabilities a ticket to work. It will be a ticket to nowhere.

It is essential that these provisions be fully funded and guaranteed to individuals with disabilities so that we have more than a title to the bill; we have something that is meaningful for the many Americans who have disabilities and want to work in the labor force.

A second concern was the effect on individuals who are HIV positive, who have Parkinson's Disease, multiple sclerosis, or some other type of disease which allows them to work now and who do not want to have to leave their job in order to get insurance benefits. It is my understanding that these last-minute amendments that have been made today address those concerns, and so I applaud them.

I think to the extent that we are returning to the bill that a total of 247 Members of the House cosponsored we are moving in the right direction. Certainly, I agree that this bill must be fully paid for, as with any other measure, and that we not dip into Social Security funds. However, I can say that in the Committee on Ways and Means, there was no visible effort to pay for the abandoned provisions, and the one pay-for that was included in this bill is a new tax that is simply going to make it more difficult for people with disabilities to secure the representation they need in combatting a Social Security Administration which is often not sympathetic to their concerns.

It is still flawed, but in order to move the process along my vote today is for a flawed bill, with the hope that the Senate will hang as tough as it did in the last session and give us truly meaningful legislation.

Mr. HULSHOF. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman from Missouri (Mr. HULSHOF) for yielding to me, and for his work on the bill; the ranking member, the gentleman (Mr. MATSUI); the gentleman from New York (Mr. LAZIO), who has been so involved with H.R. 1180. This is a great bill.

Mr. Speaker, today's demographics show that there are about 54 million Americans living with a disability, almost 20 percent of our constituents. They are our largest minority. Further studies show that individuals with disabilities are the most underemployed, among the poorest also of our citizens.

H.R. 1180, the Work Incentives Improvement Act, will assist Americans with disabilities to become gainfully employed and self-reliant.

I am pleased to rise in strong support of this critically needed legislation.

The bill takes an essential step toward reforming Federal disability programs and removing the barriers to work. By passing this legislation, it is going to help people with disabilities to go to work and become productive members of our society and to become taxpayers instead of tax users.

People with disabilities should not have to choose between working and

maintaining access to necessary health benefits. Current law puts people with disabilities in a Catch-22 situation. The risk of losing health care benefits under the Medicare and Medicaid program is a terrible disincentive for millions of beneficiaries of both SSI and SSDI. This bill would remove these fears and risks by allowing disabled individuals to keep their Medicaid benefits such as personal assistance and prescription drugs while they take their job.

We are going into the Information Age. We are having trouble keeping up with employment, the demand for technology personnel. If we are going to stay on top, we have to make sure that we utilize all of our talent. This is a good bill.

Mr. Speaker, today's demographics show that there are about 54 million Americans living with a disability, almost 20% of our constituents. They are our largest minority. Further studies show that individuals with disabilities are the most underemployed, and among the poorest of our citizens. H.R. 1180, the Work Incentives Improvement Act, will assist Americans with disabilities to become gainfully employed and self-reliant, and I am pleased to rise in strong support of this critically important legislation.

H.R. 1180 takes an essential step toward reforming federal disability programs and removing the barriers to work. Passing this legislation will help people with disabilities to go to work and become productive members of society, to become taxpayers instead of tax users.

People with disabilities should not have to choose between working and maintaining access to necessary health benefits. Current law puts people with disabilities in a Catch-22 situation. The risk of losing health care benefits under the Medicare and Medicaid program is a terrible disincentive for millions of beneficiaries of both the SSI and SSDI programs. H.R. 1180 would remove those fears and risks by allowing disabled individuals to keep their Medicaid benefits, such as personal assistance and prescription drugs, when they take a job.

This is an ideal time for us to remove barriers and help disabled Americans return to work. Our economy is one of the most dynamic and diverse in history, and the unemployment rate is low. We have achieved a level of technological advancement unequaled around the world.

However, while we are leading the world into the Information Age, we are having trouble keeping up with the demand for new technology personnel. If we are to stay on top, we must promote legislation, such as H.R. 1180, that will ensure economic vitality and enhanced opportunities for *all* Americans. If we are to stay on top, we must make sure that we are utilizing 100% of our talent.

We must give people with disabilities a chance to unleash their creativity, to become productive members of society, and to fulfill their dreams. Disabled individuals are part of the American family. They are here to participate and teach us as well as to learn with us. We must give them the opportunity to be accepted by everyone in their community, and to live and work in regular environments. We can do this by passing the Work Incentives Improvement Act.

I urge a ''yes'' vote on H.R. 1180.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I first want to thank my colleague, the gentleman from California (Mr. MATSUI), for yielding and for his strong commitment to justice for all.

Some of us here in this House have members of our families who are disabled, and so I just want to thank all of the cosponsors and all of the supporters of H.R. 1180 for that, on a very personal level.

We know that the current system is extremely frustrating for disabled people eligible for medicaid. This bill will help disabled workers by extending the period of medicaid coverage as needed. It also creates options for States by removing senseless limitations for workers with disabilities.

Now, many of these individuals who can work want desperately to contribute to society and to become self-sufficient. However, the current system of cumbersome Federal regulations and conflicting rules discourage and block many qualified, competent, and energetic individuals with disabilities from the world of work.

They can provide our Nation with tremendous resources, experience, and knowledge by directly investing their abilities in the workforce. We are currently denying our Nation the talent of these individuals and limiting their ability to exhibit their untapped resources. So let us stop limiting the rights of so many competent people. Let us pass 1180 on a bipartisan vote and send the right signal so that so many eager and valuable Americans may be included.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I rise in strong support of the legislation before us today. I believe that Government certainly has a legitimate role to provide assistance for those who are truly in need, but the fact is when Government traps people in poverty, out of work year after year, that is not a program that works.

What this piece of legislation will do, in a common sense fashion, is allow disabled Americans to go back into the workforce without losing their health care. It will help them in a time of high technology. It will help them be empowered to get back into the workforce.

True compassion in government empowers people, Mr. Speaker. It does not hold them down.

With the unemployment rate amongst disabled individuals in excess of 75 percent, it is time we passed a piece of legislation in an environment where unemployment is at historic lows. It will bring these people into the workforce and do it in such a fashion so they will be able to maintain their health care. So I strongly support this piece of legislation and urge that the Congress adopt it.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise in strong support of the Work Incentives Improvement Act, this important legislation that removes the disincentives that people with disabilities face when entering or reentering the workforce. I also rise in strong tribute to my friend Charlie.

I want to say a little bit about my friend Charlie. I met him one day on the campaign trail as I was running for Congress. I walked into my headquarters, and there he was working incredibly hard early in the morning. I left for a variety of appointments and came back in the afternoon and Charlie was still there working very diligently. I left for further appointments and I came back, and into the evening hours Charlie was still working.

At the end of this long day, I walked up to Charlie, and I said, ''Thank you so much for all you are doing to help me.''

Charlie corrected me very quickly. He said, ''I am not doing this to help you. I am doing this to help myself.''

Charlie has a very significant disability. He also has a simple dream. His dream is to finish up school and to get a job, but he can't afford to risk losing the benefits for health care and other things that make a difference in his life.

Charlie and the many that he symbolizes have so much talent and energy to give our economy and our country. This legislation is also going to help Wisconsin's newly developed Pathways to Independence program. Pathways has already demonstrated that people with disabilities can work with the right support and assistance and encouragement.

It is time to pass this legislation and, I might add, provide the appropriate funding to remove the barriers that keep people with disabilities from becoming fully contributing members to our communities.

Mr. HULSHOF. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WELLER), another member of the Committee on Ways and Means, and my seat mate.

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

Mr. WELLER. Mr. Speaker, let me first begin by commending my seat mate, the gentleman from Missouri (Mr. HULSHOF), for his leadership on shepherding this important legislation, which is in response to a question that I have heard often back home. I remember when representatives of the Will County Center for Independent Living came into my office shortly after I was elected and they said, We understand that under current laws and under current rules that it is really difficult, if you are disabled, to work; that there are limitations that make it hard for us to participate in the workforce, and they asked for help.

I am pleased that this Congress, this House, is moving forward with this ticket to work legislation, legislation designed to give those with disabilities the full opportunity to participate in today's workforce.

Unfortunately, our current system makes it difficult, in fact, to the point of difficulty where many of those who are disabled are discouraged and, in fact, almost afraid to seek work. They are most concerned that they will lose their benefits they currently have and wondering if they have further health conditions, what it means for them.

This legislation addresses that, giving those with disabilities a full ticket, punching their ticket so they have the opportunity to work. It deserves bipartisan support. I commend the gentleman from Missouri (Mr. HULSHOF) for his leadership and I urge a bipartisan yes vote.

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Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, I rise today to express some concerns regarding consideration of H.R. 1180, the Work Incentives Improvement Act. As a cosponsor of the original legislation, I am pleased that the House is taking this up. But I do have some concerns.

The gentleman from Arizona Mr. HAYWORTH) earlier said that it was petty to be concerned about the fact that we did not follow the regular order in this bill. But while we are concerned and supportive of the underlying scope of this bill, some of us are also concerned about what the impact of the offsets of this bill will do on school districts.

In my State of Texas and in my home district, I have the La Porte School District, which is the lead school for a consortium of 200 small and rural Texas school districts. They do not think it is petty at all that this bill might squeeze them on their reimbursement under the Medicaid administrative claiming program.

In fact, Members, particularly Members from the other side might be coming over and saying this is some sort of an unfunded mandate that we are putting on the local school districts. So I do not think it is petty at all.

We have 4½ million children in this country who have no health insurance but are eligible for Medicaid, and we are asking the school districts to help us in screening these children to get them into the Medicaid Program. My home State of Texas leads the Nation in uninsured children. In this bill, we are going to make that problem worse. So I do not think that is petty at all.

The underlying bill is good, but there are some real problems. I know the staff has been working overnight to try to work this out, but the staff are the only ones who know what is in this bill.

It is not like we are in a big rush. We have not finished our budget. We are going to be here next week and the week after. I think following the regular order and making sure we do not stick it to the school districts back in our home districts in our home States maybe was not such a bad idea because all of us, or certainly the vast majority of us, including this Member, agree with what the intent of the bill is. But the process is not very good, and I do not think the majority really wants to stick it to the school districts either.

So, hopefully, in the conference, the staff can get together and work this out, and we can get a bill that everyone can approve of.

Mr. Speaker, I rise today to express my concerns regarding consideration of H.R. 1180, the Work Incentives Improvement Act. As a consponsor of the original legislation, I am pleased that the House of Representatives will be voting upon this legislation on an expedited basis. However, I am concerned that this legislation will be considered under the suspension calendar and is not subject to amendments. And I am concerned about the offsets included in this bill.

Last Thursday, during consideration by the House Ways and Means Committee of this bill, the House Republican Leadership added several provisions to help pay for the Medicaid benefits included in this bill. Unfortunately, these offsets could be detrimental to local school districts which are helping to screen children for Medicaid eligibility. According to the U.S. Census Bureau there are 4.4 million children who are eligible for, but not enrolled in, Medicaid. I believe it is wrong to include provisions included in this measure that threaten the Medicaid Administrative Claiming (MAC) expenses paid to local schools and increase the number of uninsured children. In my district, for example, the La Porte School District is the lead school district for a consortium of 200 small and rural Texas school districts participating in this program. These offset provisions would require the Health Care Financing Administration (HCFA) to issue new regulations related to this program that would make it more difficult to administer and may lower reimbursements to schools. I am pleased that these regulations would require consultation with public schools, but I am concerned about their impact on smaller school districts.

This ''one-size-fits-all'' regulation would restrict payments for contracts related to this program. This offset section includes a provision requiring a competitive bidding process for such contracts as well as a restriction on contingency fees. As a result, many of the 200 school districts in the Texas consortia would likely drop this program. Since there is only one private company currently providing such services, I am concerned that competitive bidding may not be possible in the short term. Also, the restriction on contingency fees could reduce incentives for private companies to develop the software necessary for these outreach screenings. As a result, only the largest school districts would continue to participate in these programs. It would not be economically feasible for our nation's smallest school districts to develop and maintain software for their individual system. The consortia provide a mechanism whereby these smaller, but less urban school districts can help with Medicaid screenings. Although fraud and abuse in Medicaid must not be tolerated, this provision is not the right answer. In Texas, schools receive a total of $14 per child who is deemed eligible for Medicaid.

I am also concerned that these provisions were added to this bill without consultation with the House Commerce Committee, which has exclusive jurisdiction over Medicaid programs.

Regardless of my concerns, I will support final passage of this bill because it would ensure that disabled persons can keep their health insurance when they return to work. I will work with conferees on this legislation to make appropriate changes to protect local school districts. Under current law, disabled persons who are eligible for social security disability benefits are precluded from earning significant income without losing their Medicare or Medicaid health insurance. This bill would permit disabled persons to work while maintaining their health insurance coverage. For many disabled persons, this health insurance is critically important since they can neither afford nor purchase health insurance in the open market. This bill would provide SSDI beneficiaries with Medicare coverage for 10 years, instead of the current 4-year term. This legislation also provides vocational rehabilitative services to disabled persons to ensure that they can receive the training they need to become more self-sufficient. I support all of these provisions.

I urge my colleagues to support this legislation with the caveat that these offset provisions should be revised in order to protect local school districts.

Mr. HULSHOF. Mr. Speaker, I am happy to yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON), another classmate of mine.

Mrs. WILSON. Mr. Speaker, about a year ago, Zig and Charlene Piscotti came to visit me in Albuquerque. Their daughter is disabled, and she works at Kirkland Air Force Base, and she works as an hourly employee. But they told me they had to be careful to make sure that their daughter could not get more hours than she could afford because she could potentially lose her eligibility for Social Security.

They knew that they were not going to be around forever. Their daughter is in independent living. She is doing very well. But the last thing they wanted was their daughter to lose Social Security benefits because they knew, if she lost those benefits and then had a reduction in her hours, it would be very hard and time consuming for her to get back on those benefits.

This bill is for Michelle. It allows her easy-on provisions so she can go back to work as much as she wants to at Kirkland Air Force Base and do as well as she possibly can in the work force without that fear of not being able to get back on Social Security if her hours are cut back. I commend the gentleman for bringing forward his bill.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The Chair would inform Members that the gentleman from California (Mr. MATSUI)

has 4 minutes remaining, and the gentleman from Missouri (Mr. HULSHOF) has 8½ minutes remaining.

Mr. HULSHOF. Mr. Speaker, I am happy to yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON), another tireless advocate for this bill, and a trusted Committee on Ways and Means member.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation and commend my House colleagues on funding it. It was frustrating to have the Senate vote 98 to 2 for it. But without any money and without the means, where is the promise?

I want to just say that work may be the one thing that matters most in our lives. It is the means by which we achieve our dreams. It is the means by which we come to know ourselves. Stretching ourselves, challenging ourselves at work, develops our minds, develops our skills.

We have passed in this Congress legislation to prevent discrimination against people with disabilities in the workplace. We have passed legislation to provide training and education for people with disabilities so they can participate in the workplace. Today we knock down what is probably the last and one of the biggest barriers to that freedom to work, the barrier of health insurance.

With this bill, they will not have to fear losing their health insurance. If they want to work more hours, if they want to develop themselves further, they will know that, with a relapse, they will be able to come back to the program.

This is for the people at Prime Time and throughout my district, the disabled who want to work and see us as standing in their way. We are getting out of the way with this bill.

Mr. HULSHOF. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I appreciate the gentleman from Missouri yielding me this time. I just want to say that I think I came in part because I wanted to debate something where we could be bipartisan, something where we could talk about the real needs of our communities.

I have people with disabilities who want to work. Yet, if they work, they make less and have less benefits than if they stay home. So I just applaud my colleagues for bringing this legislation forward. It makes tremendous sense, I say to the gentleman from New York (Mr. LAZIO) in particular and the gentlewoman from Connecticut (Mrs. JOHNSON) who just spoke.

The bottom line is, under our current system, the government pays for health benefits for people with disabilities who do not work, but is unwilling to pay for those same benefits when people with disabilities get a job. We are going to change that, and it is about time.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. BECERRA).

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

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding the time, and I also thank him for his efforts over the past several years to try to move us to the point where we now have legislation that we can move to the President for signature.

As I said, I rise in support of H.R. 1180, the Work Incentives Improvement Act, more because we are finally going to be able to remove a barrier that laws have imposed on people who have had the desire for quite some time to do simply what most of us take for granted; that is, to work. But simply because of the disability, many of these individuals have not been able to go forward with those desires to work. Simply because public policy has not caught up to their desire, they have found that they are either discouraged from taking a job or they are discouraged from keeping a job.

We must remove those barriers and make it possible for those who many of us would sometimes look at them and say, well, there is no way that they can work. We should applaud their efforts. Many of these folks, and I know all of us knows someone who has some form of disability, are out there in the work force doing tremendous work out there. We applaud those efforts.

But to think that, because laws that Congress passed some time ago made it very difficult for these individuals to continue to work full time or for a full year oftentimes decided it was better not to even start. So this is a good step forward.

I would also underscore the admonition by the gentleman from Texas (Mr. BENTSEN) regarding the pay fors. We have to make sure that, in the process of doing good, we do not do harm to some other program where we must seek money to pay for this program.

But, certainly, at the end of the day, I would hope that we realize that someone who has shown the desire to work and has shown the ability to work is given that opportunity.

All we have to do is make sure that someone who says I want that opportunity has that chance to, not only work, but also keep Medicaid if that is essential for the person to continue to just exist, to live, not just let alone work.

We could talk about a lot of examples, but I can mention one real quickly, and that is my father. He has got a bum knee. He has had an operation on his knee. His tendons have been shot in both hands for several years where he has had to have them split open, the tendons split so that he could have movement in his fingers. Of course, he has had cataract surgery for his eyes. Yet he still works at the age of 70; day in, day out. He does not stop. I suspect there are millions of Americans who would do the same. Let us pass this bill.

Mr. HULSHOF. May I inquire, Mr. Speaker, of the time remaining.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. HULSHOF) has 6½ minutes remaining. The gentleman from California (Mr. MATSUI) has 2 minutes remaining.

Mr. HULSHOF. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, 50 years ago, the only President of the United States from the show-me State, Harry S. Truman, set a goal for our Nation to give every American with a disability the chance to play a full part in strengthening our Nation and sharing in the greatest satisfaction of American life, that being independence and the right to self-supporting and self-reliance.

But, yet, even as we continue to enjoy low unemployment, as the gentleman from Maryland mentioned at the very beginning of this debate, three out of four individuals with disabilities remain unemployed. The vast majority want to go back to work. How often do we have a segment of the population that comes to Washington to say we want to be taxpayers?

Yet, as many Members have taken to the floor to talk about constituents, a constituent of mine, Rich Blakely from Columbia, Missouri, the former executive director of the Services for Independent Living, came to our committee at his own expense to talk about the barriers that are in place.

For instance, going to vocational rehabilitation, the question is, ''Can you go back to work?'' The answer to that one government agency is, ''Yes, I can.'' Yet, in order to qualify for SSDI or SSI benefits, when that agency asks, ''Can you work?,'' the answer has to be ''no.'' So there is inconsistency even among these agencies as we try to help these individuals regain their independence.

Now, I think this bill is a major step forward, especially considering the ticket to work bill that we had on the floor last year. We made some strong concessions.

It happens that October is National Disability Employment Awareness Month, and I can think of no better way to celebrate that event than to pass this ticket to work bill. I urge its adoption.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

The gentleman from Missouri (Mr. HULSHOF) mentioned Harry Truman's remarks about the disabled community. I had the privilege of cosponsoring the Americans with Disabilities Act that President Bush signed in July of 1990. That bill said that we were going to give opportunity to 43 million Americans who were disabled.

What this bill does, as the gentleman from Missouri (Mr. HULSHOF) has pointed out and as the gentleman from California (Mr. MATSUI) has pointed out so well, is to facilitate the entry into the workplace for those who, but for this

bill, may not be able to risk it or afford it.

The good news is that the bill for a portion of time made optional the payment of some of these expenses. I want to thank the committee and those who worked on this bill to reinstall the mandatory nature under Medicaid of the payments that have been provided for. That is essential not to discriminate against those who might be disabled and who do, as the gentleman has said, want to enter the workplace, want to be taxpayers, and want to enjoy the full opportunities that America has to offer.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume to close now.

Mr. Speaker, I am just going to close by saying that everybody has really acted in good faith on this legislation. It has been a very, very difficult piece of legislation. It has had a number of committees involved in it. Obviously, feelings were very high, and there were a number of components to this legislation. But I think it is well taken on both sides of the aisle, both Republicans and Democrats have problems with some of the offsets.

When we get into conference, it is my hope that we will have time to vent some of these issues, find out what the implications of them are, which I am sure everybody will want to do, and then come up with a very good piece of legislation.

We should try to finish this before we leave, otherwise, undoubtedly, if we go into the year 2000, it could get stale, and advocacy groups will, maybe, lose some kind of involvement in it. So we need to finish this quickly. But we really need to know the implications of these offsets, because they have come up at the last minute.

I urge strong support of this legislation. Everybody works hard in good faith, and we need to do this for the disabled of America.

Mr. HULSHOF. Mr. Speaker, I yield the balance of our time to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, I do not think in my four terms in the House that I have ever felt better or stronger about a piece of legislation than I do about this one.

□ 1645

Nearly 7 months to the day I introduced H.R. 1180, and 5 days after that we had the first hearing on it. It was introduced with bipartisan spirit. And I want to thank the gentleman from California (Mr. MATSUI), the gentleman from California (Mr. WAXMAN), the gentleman from Virginia (Mr. BLILEY), and the gentleman from Texas (Mr. ARCHER) for their continued and sustained support throughout all the difficulties in bringing this bill forward.

In my mind's eye, Mr. Speaker, this is the most dramatic breakthrough for Americans with disabilities since the Americans with Disabilities Act. It is a major stride forward, and I think it is one of the most important pieces of legislation that this House will consider not just this year but this entire session. Why? Because it opens up opportunities. Because it empowers Americans with disabilities. Because it says to people who would otherwise stay home that they can have the courage to go to work because we are going to extend their health care benefits and give them the peace of mind to know that when they go to work and become a taxpayer they will not leave their family or themselves destitute. That is a false choice, Mr. Speaker, and we reject it today.

I am proud of the 247 cosponsors on both sides of the aisle who have stepped up and cosponsored H.R. 1180. I am proud of their work. I am proud of their patience. I am proud of their perseverance. This bill is supported by over 100 health care organizations and disabilities groups. I could name many, but I want to name at least a few: The United Cerebral Palsy Association, the National Alliance for the Mentally Ill, and the National Association of Development Disability Councils. It is also supported by major business groups, including the U.S. Chamber of Commerce, which speaks to the fact that our economy needs Americans with disabilities in the work force.

Over the last 3 decades, Mr. Speaker, America has made tremendous progress when it comes to empowering people. We have helped them with housing. We have tried to empower them through the Tax Code. We have tried to empower that for people with disabilities, and now we move forward. We have provided disabled Americans with social services that dramatically improve the quality of their lives. We have passed legislation to make it illegal to discriminate against them. We have made sure our businesses and public spaces are accessible to everybody. But disabled Americans still face barriers to their full integration in society. Today we tear those barriers down.

Mr. Speaker, most disabled Americans are heavily reliant on Federal health care and social services, assistance that makes it possible for them to lead independent, productive lives. But we have conditioned that assistance on them not working. People with disabilities must get poor and stay poor if they are going to retain their health care benefits, and that is just plain wrong. It is a perverse system and we need to change it today.

That is why we introduced this Work Incentives Improvement Act. This bill will help provide hope and opportunity for millions of Americans who have disabilities. It will improve Federal job training by giving disabled people new freedom to choose from various public and private sector employment services. It will help people continue their health care benefits.

Mr. Speaker, a 1998 Harris Poll surveyed disabled Americans, and in that poll 72 percent of disabled Americans said they want to go to work. How many who are disabled are actually able to go to work and get off public assistance? One-half of 1 percent. We can do better and we will do better.

In the meantime, in this age of technological explosion, all the recent innovations in the field of assistive technology have made it far easier for disabled people to hold on to good jobs. There are hands-free mouses, word prediction programs, on-screen keyboards, and increasingly sophisticated voice recognition software. This is all aimed at helping people achieve a higher quality of life.

But in the end, this bill is simply about empowering people to change their lives. This bill is for people like Tom Deeley, a developmentally challenged young man who holds a part-time job performing custodial services in Virginia. He testified before our Committee on Commerce. He is limited to working only 2 days a week because working more would jeopardize his health care benefits. He is a star in our community. He is a hard worker. He is eager to work full time. And his employer would love to have him work full time.

As a matter of fact, Tom has been named employee of the year in his firm. He has been awarded a $200 bonus. And guess what our system says to Tom Deeley, who is developmentally disabled and loves to work? It says that he has to give that $200 bonus back, that he cannot accept it. What kind of a perverse system holds that as a rule?

We are going to change that today and bring that curtain down. We are going to let Tom Deeley and others like him accept their bonuses for their hard work. We are going to rip down bureaucratic walls.

Mr. Speaker, we have come a long way. It is time to remove the barriers to integration for disabled Americans into society. Millions of Americans, Mr. Speaker, are waiting for us to give them a chance to pursue the American Dream. Today, let us tell them that their wait is over. Let us pass the Work Incentives Improvement Act with a unanimous vote.

Ms. SCHAKOWSKY. Mr. Speaker, I am a cosponsor and strong supporter of H.R. 1180, the Work Incentives Improvement Act of 1999. Access to health care is important to all of us. To persons with disabilities, it is critical. Unfortunately, current policies penalize those persons with disabilities who are able to work but, by doing so, lose access to Medicare and Medical coverage.

The loss of health care is the major reason why persons with disabilities are locked out of the workplace. According to the report issued last fall by the President's Task Force on the Employment of Persons with Disabilities, ''(a)ccess to health care is accepted as the primary barrier to keeping people with disabilities outside the world of work.'' While 72 percent of persons with disabilities want to work and could be productive members of the community, the loss of health care coverage keeps them from doing so. H.R. 1180, as originally introduced, corrects this situation. It would

allow persons with disabilities to return to work and retain access to a broad array of services.

The bill before us today, however, is significantly different from H.R. 1180 as introduced. While I will support this version, I strongly urge the conferees to improve the Work Incentives Improvement in order to bring it closer to the provisions of the original bill. I am concerned that, despite last minute negotiations, the bill does not provide full funding to ensure that services will be available to Medicaid beneficiaries who return to work. Because this bill has been rushed to the floor with little chance for review and no chance for amendments, it has been difficult to analyze fully the impacts of those funding sources that have been identified. There are numerous ways to fully fund the Work Incentives Improvement Act without taking funding from other essential programs. I hope that the original provisions of H.R. 1180 will be restored in conference, and that we find funding sources that do not jeopardize critical health care programs such as school-based health care.

I am also concerned that just as we are working to help persons with disabilities move into the workforce, the new 6.3 percent attorney tax will harm other persons with disabilities receive their Social Security benefits. Legal representation is critical in Social Security disability cases—it often makes the difference between whether a person receives or does not receive disability benefits. Taxing the attorneys who help persons with disabilities receive the benefits to which they are entitled may mean that those persons never receive their benefits. I believe that this is an unwise and dangerous provision, and I hope that the conferees will eliminate it from the final bill.

We can act now to give persons with disabilities the opportunity to be productive members of their community. We can provide sufficient funding so that those who move into the workforce receive comprehensive, quality health care. And we can find this major initiative in a manner that is fair. I urge my colleagues to work for improvements in H.R. 1180 so that its full promise will be realized.

Ms. ESHOO. Mr. Speaker, I'm proud to count myself among the cosponsors of H.R. 1180 as it will truly improve the lives of people with disabilities by helping them to achieve self-sufficiency through employment. People with disabilities want to work yet our current system discourages them from doing so by taking away their health care coverage. This bill will undo this practice and provide job opportunities for the estimated 72 percent of Americans with disabilities who want to work yet remain unemployed.

Under existing law, when a person with a disability takes a job, they lose health care coverage through the Medicare or Medicaid programs. Yet private sector health coverage is often unavailable or unaffordable for people with disabilities specifically because of their disability. H.R. 1180 would allow states to extend Medicaid health care coverage to working people with disabilities who would otherwise be eligible but for their income.

We should not be forcing Americans with disabilities to choose between work and losing their health benefits or forgoing work in order to maintain them. Now, more than ever, thanks to innovations in medicine and technology, people with disabilities can and should be able to work. People with disabilities deserve to be able to contribute their talents and skills to society and to have broad options for obtaining the care and services they need to be productive workers.

H.R. 1180 provides these services—services like Medicaid coverage and Tickets to Work. The bill also provides grants to states to develop infrastructures for working people with disabilities and for outreach efforts aimed at getting more people with disabilities to work.

We took the first step toward significantly improving the lives of people with disabilities when we enacted the Americans with Disabilities Act (ADA) in 1990. Thanks to that law, people with disabilities can no longer be discriminated against in hiring. With passage of H.R. 1180, we will take the next important step to ensuring that the thousands of Americans with disabilities who are offered jobs this year will be able to take them.

Mr. SWEENEY. Mr. Speaker, I thank the gentleman for the opportunity to address this important issue for people with disabilities.

I rise in strong support of the Work Incentives Improvement Act.

This legislation gives Americans with disabilities the freedom to achieve self-sufficiency through employment.

As Labor commissioner in New York State I worked to ensure that individuals with disabilities were given ample opportunity to return to work thus freeing themselves from the despair of dependency.

In doing this they are able to experience the dignity of self sufficiency.

Currently, people with disabilities are actually given incentives to stay unemployed because they often can not obtain adequate health care if they receive outside income.

In 1998, the National Organization on Disability found that 72 percent of unemployed Americans with disabilities want to go to work.

However, only 1 in 500 people receiving Social Security Disability Insurance ever returns to work.

Mr. John T. Svingala from Hudson, New York is one of the 72 percent of unemployed Americans with disabilities who, in his words, ''can't wait to become a tax payer instead of a recipient.''

Mr. Svingala is a 42-year-old diabetic, kidney transplant recipient.

Mr. Svingala is an educated man who was a dedicated physical education teacher in Hudson and Catskill, New York until he was not longer able to work because of his illness.

Unfortunately, if Ms. Svingala were to return to work, he would lose all of his unearned income and half his wages in order to access personal assistance coverage under Medicaid.

To remedy such circumstances, H.R. 1180 provides states with incentive grants to set up their own affordable Medicaid buy-in programs when Mr. Svingala and thousands like him go to work.

Individuals with disabilities represent a major untapped resource in the workplace of the 21st century.

Now is the time to remove barriers and enable people like Mr. Svingala to work. Congress has an obligation to help people with disabilities achieve their American Dream.

I strongly urge my colleague to vote in favor of the Work Incentives Improvement Act.

Mr. DOOLITTLE. Mr. Speaker, the bill currently before the House, H.R. 1180, the Work Incentives Improvements Act of 1999, allows the disabled to retain healthcare coverage that they would lose if they went back to work. Under current law, after a nine-month trial work period, a disabled worker who receives Social Security disability benefits but earns more than $700 per month will lose his or her Medicare health coverage. In addition, workers who receive Supplemental Security Income (SSI) disability benefits will lose their Medicaid coverage once their earnings reach the basis SSI benefit level. As a result, current law tends to trap individuals with disabilities to the system. In essence, individuals who try to work lose cash benefits, along with access to medical coverage they so desperately need.

H.R. 1180 would revamp present law so that individuals receiving Social Security Disability and Supplemental Security Income could return to work without losing Medicare or Medicaid insurance. It would also create a system of vouchers that could be used to purchase job training and rehabilitation services from government or private sources.

I support providing legislative relief and feel that it would help remove some of the most significant barriers to the employment of people with disabilities. However, I am voting against this bill because of a provision that would require the Social Security Administration to impose fees upon attorneys who represent disability claimants during the appeals process.

At present, when an attorney successfully represents a disability claimant and that claimant is entitled to past-due benefits, SSA withholds a portion of those past-due benefits in order to pay the attorney for the services he or she provided. The Work Incentives Improvement Act seeks to impose an ''assessment'' of 6.3 percent on all such payments to attorneys. I believe that this ''assessment'' is unnecessary in the context of this bill, and would likely deter some attorneys from representing disability claimants. The reliance on a user fee assessed on attorneys' fees in Social Security case to fund the important work incentives bill is poor policy. It would hurt many of the very people that work incentives legislation is designed to help.

I strongly hope that these differences can be resolved when the House and Senate come together to work on a final version of this bill. We need to enact legislation that fulfills the promise of the Work Incentives Improvement Act and does not harm those people with disabilities whom the bill is designed to assist.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of HR 1180, the Work Incentives Improvement Act of 1999. More than 100 organizations dedicated to helping people with disabilities support this bill and I welcome the concept behind allowing those who face obstacles help themselves.

However, I have grave concerns with the funding mechanism for this bill. The 6.3 percent user fee on SSI claimant representatives represents a blow to those who need able counsel in filing and guiding their SSI claim. The extensive time, preparation and expense in filing a claim for SSI disability creates barriers for many, and we are taking a step in the wrong direction by imposing a fee on those who provide this assistance.

As this bill progresses, I look forward to working with my colleagues in eliminating this user fee which would have a disproportionate impact on those who need representation in order to pursue their claim.

Mr. STARK. Mr. Speaker, this bill is a vitally important for disabled people in our country. It

will finally make changes to the disability system that will assist beneficiaries' desires to return to or enter the workforce. This should have been done years ago—and we should be doing more now. That being said, there is no question that this bill is a tremendous improvement from the status quo.

The most significant component of this legislation is that it will provide disabled people with the ability to maintain their Medicare coverage for ten years after returning to work.

Under current law, a disabled beneficiary who returns to work loses Medicare coverage after 4 years. That reality keeps people from even thinking about entering the workforce because losing disability status is not an easy thing to reverse. Maintaining health insurance is a priority for anyone, but for someone who is disabled, health insurance coverage is a lifeline they cannot afford to mess around with.

Stretching that Medicare eligibility time period to 10 years is a giant step forward. Of course, the real solution is making Medicare coverage permanent for a disabled person regardless of work status. I wish we were voting on that full provision today and I will certainly continue working toward that goal.

It is also worth noting that the process for this bill reaching the House floor has been horrendous. The Republicans have continued to play political games with this legislation every step of the way.

Until just before this debate began, we weren't even sure if this bill would contain important Medicaid components that were in both the Senate-passed version of the legislation and the House Commerce Committee bill. Those two provisions directly appropriate funds for grants to states to establish support services for working individuals with disabilities and funds for demonstration projects to the states to extend Medicaid coverage to a wider group of workers with potentially severe disabilities.

Those two Medicaid improvements are very important—they expand the number of people helped by this legislation and they are both strongly supported by the disability community.

I am pleased that the bill before us today does now include those key provisions, but it has been a struggle to make sure that was the case.

The Senate passed their version of this legislation unanimously more than 4 months ago. I don't understand why it's taken 4 months for the House to act, but I am glad this day is finally here. Let's pass this bill, get to conference, and enact this law which will finally correct a serious problem in our disability system by empowering disabled people to enter the workforce without fear of losing their health coverage.

Mr. DINGELL. Mr. Speaker, I am pleased that the Work Incentives Improvement Act has finally made it to the floor. This bill had its origins in the 105th Congress and has been accumulating an impressive array of support ever since. H.R. 1180, the Work Incentives Act as introduced by my colleagues Mr. LAZIO and Mr. WAXMAN, has 247 cosponsors. The Senate passed a similar bill by a vote of 99 to 0. Finally, the people whom his bill would benefit—the disability groups—have shown us how important this legislation is by campaigning tirelessly for its passage.

During the past months, the House has seen many controversial pieces of legislation. However, no one disputes the value of the Work Incentives Improvement Act. This bill helps people with disabilities who want to get off cash assistance and start working. The bill allows people to keep their Medicaid or Medicare health benefits when they return to work, so that they can stay healthy enough to keep working. It provides grants to states to help set up the kinds of personal services that working people with disabilities require. The bill creates a demonstration project that would give Medicaid coverage to working people with serious medical conditions—such as multiple sclerosis or Parkinson's disease—before their diseases become so disabling that they have to apply for cash assistance. This bill makes sense.

The only argument against the Work Incentives Act as it was originally introduced was its cost. The Commerce Committee has acted in a fiscally prudent manner by providing offsets for the provisions in its jurisdiction. However, these offsets are about 100 million dollars shy of fully funding the Work Incentives Improvement Act as reported by the Commerce Committee. Consequently, the bill before us today omits the Committee's improved Medicaid buy-in option and leaves the demonstration program partially funded.

But I do note that, just a few weeks ago, the House passed a measure to provide tax deductions for individuals to purchase health coverage. This bill would cost about $43 billion, provided benefits mainly to the healthy and wealthy, and none of it was funded. This double standard for the disabled prevented us from passing the entire bill here today. I hope we can do better in conference.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to offer my strong support for H.R. 1180, and particularly the provisions within the bill that will help financially modernize the private student loan industry. Not only will we assure the future of the private student loan industry and protect student's interest rates, we will also be providing at least a $20 million offset to help pay for other provisions in this very important bill.

The Federal Family Education Loan Program (FFELP), the largest source of federal student loans to college students and parents, has undergone a revolution in recent years. FFELP service providers are employing a range of new technologies, such as the Internet, to vastly improve the delivery of student loans. Intense competition among FFELP providers has generated efficiencies that have driven down cost to both education loan borrowers and to U.S. taxpayers. Regrettably, the gains in efficiency and cost-reduction are being hampered by an archaic federal financing system that does not promote the most modern, efficient practices for student loan providers.

Private student loan lenders and student loan secondary markets tap global capital markets to raise the $25 billion needed annually to support new student loans. The job of raising this private capital is more difficult, because federal law ties student loan interest rates to the 91-day Treasury bill, which does not necessarily reflect supply and demand issues in private capital markets. The student loam program, and the students, families and colleges that rely on it, will benefit from a more reliable supply of funding if Congress adopts a true market-based index for determining lender yields on student loans.

Importantly, the fundamental improvement to the private sector student loan program can be achieved with a savings to the U.S. taxpayer, Mr. Speaker, that bears repeating. We can vastly improve the ability of private student loan providers to more efficiently and cheaply deliver their products to student and family borrowers, while saving the America people more than $20 million over the next four years alone. In addition, this proposal would not change the index or formula used for determining interest rates paid by student loan borrowers.

Ironically, Mr. Speaker, the necessity of this provision was not highlighted until our economy began booming and the Federal Government began operating with a non-Social Security surplus. The Treasury bill is not a market-based index. By definition, only the U.S. government borrows at the T-bill rate. Other than the federal government and Government-Sponsored Enterprises (GSEs), virtually no organizations issue market securities that are tied to the T-bill.

Unfortunately, private student loan lenders are statutorily required to raise the capital they need from private capital markets at the T-bill rate. The capital raised privately to fund student loans is typically pegged to market indices that do not necessarily move in tandem with the T-bill rate. This means that lenders and student loan secondary markets have to account for the risk that the T-bill rate and these market rates will be different. To do so, lenders partly protect themselves against this risk through hedging agreements, whereby others bear the risk. These hedging agreements inject uncertainly and add to the lenders' cost of funds.

When the difference between T-bill rates and market-based rates widen, lenders incur significant additional cost to finance student loans. This scenario was realized in the last half of 1998 when the wide spreads between T-bill rates and market-based rates effectively ''dried up'' the market for student loan asset-backed securities, which represent a major source of student loan funding. In essence, the Treasury Department stopped issuing T-bills and the supply disappeared.

Mr. Speaker, it is situations like these, that if allowed to continue, could drive private lenders out of the student loan business. That is why I am very grateful that this bill could include the provisions that will shift the index for determining lender yields on Federal Education Loans from the 91-day T-bill rate to the 90-day Commercial Paper rate. This is an important amendment. It will protect private student loans lenders, increase efficiency and reduce the cost of delivering the funds, save the taxpayer a minimum of $20 million, while guaranteeing the interest rate student and family borrowers pay does not increase.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 1180, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## AMENDING TITLE 18, UNITED STATES CODE, TO PUNISH THE DEPICTION OF ANIMAL CRUELTY

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1887), a bill to amend title 18, United States Code, to punish the depiction of animal cruelty, as amended.

The Clerk read as follows:

H.R. 1887

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

***SECTION 1. PUNISHMENT FOR DEPICTION OF ANIMAL CRUELTY.***

*(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:*

***"§ 48. Depiction of animal cruelty***

*''(a) CREATION, SALE, OR POSSESSION.—Whoever knowingly creates, sells, or possesses a depiction of animal cruelty with the intention of placing that depiction in interstate or foreign commerce for commercial gain, shall be fined under this title or imprisoned not more than 5 years, or both.*

*''(b) EXCEPTION.—Subsection (a) does not apply to any depiction that has serious religious, political, scientific, educational, journalistic, historical, or artistic value.*

*''(c) DEFINITIONS.—In this section—*

*''(1) the term 'depiction of animal cruelty' means any visual or auditory depiction, including any photograph, motion-picture film, video recording, electronic image, or sound recording of conduct in which a living animal is intentionally maimed, mutilated, tortured, wounded, or killed, if such conduct is illegal under Federal law or the law of the State in which the creation, sale, or possession takes place, regardless of whether the maiming, mutilation, torture, wounding, or killing took place in the State; and*

*''(2) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.''.*

*(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:*

*''48. Depiction of animal cruelty.''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

Is there objection to the request of the gentleman from Florida?

There was no objection.

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

Mr. Speaker, H.R. 1887, introduced by the gentleman from California (Mr. GALLEGLY), would make it a crime to place in interstate commerce any visual depiction of animals being tortured.

At a hearing on this bill in the Subcommittee on Crime of the Committee on the Judiciary, a California State prosecutor and police officer each described how they came to learn about the growing industry that deals in the depiction of animals being tortured. In most instances, videotapes are offered for sale that show women wearing high heeled shoes slowly and sadistically crushing small animals, such as hamsters, and in some cases even cats, dogs, and monkeys. The witnesses explained that these types of videos, together with other visual and audio depictions of similar behavior, appeal to persons with very specific sexual fetishes who find these depictions sexually arousing.

They also testified that because the faces of the women inflicting the torture in the videos are often not depicted and there often is no way to ascertain when or where the depiction was made, State authorities have been prevented from using State cruelty-to-animals statutes to prosecute those who make and distribute these depictions.

During the Subcommittee on Crime hearing, one of the witnesses played a short clip from one of these videos. In it a small animal was slowly tortured to death. And let me say to my colleagues that most of those in attendance had a hard time looking at it, and I do not believe in my entire time in Congress I have ever seen anything quite like this that is as repulsive as the videotape that I had to watch a portion of. And I doubt anyone else who had to watch it would say anything definitely. The clip we watched was just the beginning of the tape, which also is kind of a sad feature. The witnesses testified it was even more gruesome as the tape wore on.

H.R. 1887 will stop the interstate sale of these videos, and perhaps stop some of the international sales of these videos. Because we have learned in that hearing is that, unfortunately, entire industries have sprung up appealing to these unusual sexual fetishes throughout the world, and the Internet is the way and the means through which these are procured. Of course, most of them are originating in the United States.

The bill of the gentleman from California (Mr. GALLEGLY), H.R. 1887, would prohibit the creation, sale, or possession of a depiction of animal cruelty with the intention of placing that depiction in interstate or foreign commerce. Depiction of animal cruelty is defined in the bill to mean any visual or auditory depiction, including any photograph, motion picture film, video recording, electronic image, or sound record in which a living animal is intentionally maimed, mutilated, tortured, wounded, or killed.

The bill as amended by the subcommittee provides for an exception to the bill's prohibition if the material in question has serious religious, political, scientific, educational, journalistic, historic, or artistic value. These exceptions would ensure that an entertainment program on Spain depicting bull fighting or a news documentary on elephant poachers, to state two examples, would not violate the new statute. Also, the bill further requires that the conduct depicted be illegal under Federal law or the law of the State in which the creation, sale, or possession takes place. Thus, the sale of depictions of legal activities, such as hunting and fishing, would not be illegal under this bill.

The bill does not criminalize the mere possession of such depictions, only possession with the intent to transmit the depictions in interstate commerce for commercial gain is prohibited. The Government would bear the burden of proving that intent.

I believe this bill is a necessary complement to State animal cruelty laws. Congress alone has the power to regulate interstate commerce, and this bill does just that. It regulates the commerce in these depictions. It does not create a new Federal crime to punish the harm to the animals itself, rather it leaves that to State law, where it properly lies. What it does do is restrict the conduct that heretofore has gone on unchecked by State law, the sale across State lines of these horrible depictions for commercial gain.

And I can assure anyone who is listening to my comments today that there is nothing redeeming, socially or otherwise, about any of the depictions I witnessed in our hearing the other day. The little animal was literally pinned down on the floor as this woman took a high-heeled stiletto shoe, talking vulgar language to it, slowly crushing each of its limbs, listening to its sound on the audio, and working her way to the final death of that animal before, we are told, the part we did not see, the animal was literally crushed into the ground over a period of 10 or 12 minutes.

The bill was favorably reported by the Subcommittee on Crime by a vote of 8 to 2. The full Committee on the Judiciary favorably reported the bill to the House by a vote of 22 to 4. I believe it is a good bill, narrowly tailored to address the harm, and one that does not federalize State criminal laws but, instead, addresses only that conduct which State law does not reach, namely the interstate sale of the depictions of animals being tortured.

I thank the gentleman from California (Mr. GALLEGLY) for bringing the matter to the attention of the committee and for his leadership on the bill. I certainly encourage my colleagues to support the bill. Based on what we witnessed during the Subcommittee on Crime hearing, this clearly is a bill that is needed.

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

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

Mr. Speaker, H.R. 1887 would make it a violation of Federal law to knowingly create, sell, or possess with intent to sell a depiction of animal cruelty. At

the subcommittee markup, we added a provision which exempted possession and distribution of such materials for scientific, political, historical, educational, artistic religious, or journalistic purposes. Although this narrows the application of the bill considerably, I am not convinced that the bill meets the provisions of the First Amendment to the United States Constitution which prohibits reinstructions on speech, including speech that most find disgusting or unpopular.

Mr. Speaker, in U.S. v. Eichman, a 1990 case, the Supreme Court said, and I quote, ''If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit expression of an idea simply because society finds the idea itself offensive or disagreeable.''

Mr. Speaker, it is without question that the conduct at issue today is offensive and disagreeable, and it is also clear that we can constitutionally prohibit cruelty to animals. However, it is clear that we cannot prohibit the communications regarding such acts, including the film communications done for purely commercial gains.

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Mr. Speaker, all States already have some form of animal protection laws which would likely prohibit the crushing of animals in a manner depicted in the so-called crush video films. And prohibiting the crushing of animals in the manner suggested in the bill raises no constitutional issues. But the communication through film is speech, which is protected by the First Amendment of the United States Constitution. Films of animals being crushed are communications about the acts depicted, not doing the acts.

In fact, the content in these films is no different than the content of a closed-circuit film of actual robberies or other crimes which are used on the Cops on the Beat TV shows in order to compete for rates and advertising revenues that they bring in. In those videos, human beings are intentionally killed or pistol whipped by criminals, and those videos would not be affected by this bill.

The Supreme Court has consistently refused to carve out new exceptions to the First Amendment. Although one cannot endanger the public by yelling ''fire'' in a crowded theater and one cannot traffic in child pornography, speech has been restricted in precious few examples.

Obscene speech is one type of speech which has been restricted. First, to be obscene, it has to appeal to prurient or sexually unhealthy and degrading interest. Second, it has to violate contemporary community standards which are judged on a State-by-State, indeed community-by-community basis, not a national basis. And third, when taken as a whole, it must be entirely lacking in redeeming literary, artistic, political, or scientific merit.

While H.R. 1887 would apply to some obscene material, many videos covered by the bill are clearly not obscene.

We have other Supreme Court cases, Mr. Speaker, which indicate that speech can also be restricted when there is a compelling State interest to do so. However, such restrictions must meet the strict scrutiny test, which requires that it is necessary to serve a compelling governmental interest and is narrowly tailored to achieve that end.

Although it is clear that the governmental interests in protecting human rights may be sufficiently compelling to justify restrictions on rights otherwise protected by the Constitution, the question posed by this bill is whether protecting animals' rights counterbalances citizens' fundamental constitutional rights.

It would seem from the case in 1993, City of Hialeah, that the answer to that question is no. In that case, the City of Hialeah enacted various ordinances to prevent cruelty to animals by prohibiting animal sacrifices which were part of the Santerian religion.

One of the asserted bases for the ordinance was protection of animals. Although the district court found a compelling governmental interest in protecting animals, the Supreme Court invalidated those ordinances as an infringement on the First Amendment's free exercise of religion clause.

Although the Supreme Court recognized the governmental interest in protecting animals from cruelty, that interest did not justify violating the rights of citizens to freely exercise their religion. Therefore, on balance, animal rights do not supersede fundamental human constitutional rights.

So while the Government can and does protect animals from acts of cruelty, making of the films of such acts are unlikely to constitute compelling State interest sufficient to justify rights which are otherwise protected by the Constitution.

Now, one argument to justify this as a compelling State interest is the suggestion of the correlation between serial killers and the indication that they often begin by torturing animals. Yet the suggestion is that the serial killers actually torture the animals themselves, not just watch videos. And certainly there is no indication that a store clerk selling videos is a danger to society. Therefore, it does not appear that there is a compelling State interest to violate the freedom of speech constitutional right. But even if there were a compelling State interest, it fails the strict scrutiny test because it is not narrowly tailored.

Although the bill is tailored to avoid some of the more obvious First Amendment issues, it leaves so much of what it is purportedly aimed at is, in fact, uncovered that it falls into the problem encountered by the Hialeah case. There the ordinances prohibited the practices of the Santerians in a way of protecting public health but it did not prohibit practices generally or pursue less offensive ways to accomplish the goals such as requiring the same sanitation activities throughout the city.

Here the bill prohibits the commercial use of videos in a way to prohibit the cruelty to animals but does not prohibit personal creation or use of the videos. The bill also exempts serious political, scientific, educational, historical, religious, artistical or journalistic uses of such films as legitimate purposes for disseminating them. It is also apparent the bill does not prohibit maiming, mutilating, wounding, or killing animals in connection with food preparation or for clothing preparation such as bashing heads of baby seals and skinning them sometimes alive and those kinds of videos for hunting and fishing or for pest control.

On the other hand, the bill makes illegal depictions of activities that are not illegal when or where made and if those activities are illegal in the State where the depictions are possessed. For example, bullfighting may be illegal in Virginia, so possessing for sale of a film in Virginia depicting a bullfight in Spain would violate the act.

Thus, as in the Hialeah case, the bill purports to prevent animal cruelty by stopping the creation and distribution of films but only when it is used for commercial purposes. A more narrowly tailored way to get at such cruelty would be to prosecute those who are actually engaged in the activities considered cruel.

So although I commend the author of the bill, the gentleman from California (Mr. MCCOLLUM) on his efforts to write a bill which addresses the problems consistent with free speech, I am not convinced that the bill meets the strict scrutiny test for limiting speech because it has not established a compelling State interest, nor is it narrowly tailored to meet that need. I, therefore, must urge my colleagues to vote against the bill.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), a member of the committee.

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Subcommittee on Crime for yielding me the time.

Mr. Speaker, I am pleased to support H.R. 1887, which was introduced by my friend the gentleman from California (Mr. GALLEGLY).

This bill, which passed overwhelmingly in the Committee on the Judiciary with overwhelming votes on both sides of the aisle, will put a stop to the production and sale of videos that feature the crushing and often the killing of small, innocent animals.

First, let us be clear as to what this legislation will not do. It will in no way prohibit hunting, fishing, or wildlife videos. It will only prevent the interstate trafficking of videos that feature people crushing small animals to death with their feet.

Furthermore, this bill does not expand the legal definition of what is cruelty to animals. It would only outlaw

the selling of videos that depict the torture of animals in violation of existing stated laws.

Mr. Speaker, some of society's most brutal killers first began their violent ways by killing and maiming small animals. By putting an end to these disgusting and cruel videos, we could discourage the behavior of these individuals before it escalates to more serious crimes directed not towards animals but towards people.

Mr. Speaker, I urge the passage of this common-sense legislation. I thank the gentleman from California (Mr. GALLEGLY) for introducing this bill.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. BARR), a member of the Committee on the Judiciary.

Mr. BARR of Georgia. Mr. Speaker, I appreciate the gentleman from Virginia (Mr. SCOTT), my distinguished colleague on the Committee on the Judiciary, for yielding me the time on this important matter, important matter only because what we are trying to do here today, at least those of us who oppose this legislation, is bring some common sense back to this body, some common sense that tells us that where we have improper activity or abhorrent or disgusting activity, use whatever legitimate and accurate characterization of this activity one would like, that is already illegal under either Federal and/or State law, common sense tells us to ask the question why are we taking up the time of this distinguished body, with all of the extremely important matters before us on the Committee on the Judiciary, before every other committee in this body, why are we doing this?

Are we no longer cognizant of principles of federalism that brought many of us here, principles of federalism that say, only if a particular activity falls within the legitimate ambit of principles well-established of federalism as a clear Federal responsibility and, further, unless that activity is not already covered adequately by State law that results in prosecutions or can result in prosecutions, we should not be saddling our Federal officials, those who investigate and prosecute these crimes and who come before Congress year after year after year, and say we do not have enough resources to do the job they have already given us, why in heaven's name are we saying do not worry about that, do not do their job in some other area, do not prosecute or investigate cases of drug dealing, do not investigate or prosecute cases of trafficking in firearms, do not investigate or prosecute cases involving corruption, terrorism, mail fraud, arson, assault, whatever it is, we want you to go after animal cruelty videos.

Mr. Speaker, every one of the 50 States of this Union already has on the books laws that address precisely the activity that we are seeking to now make a violation of Federal criminal law here today. The very language of this proposed legislation is based on the underlying activity being against State law.

I have asked the Library of Congress and they have provided me a report from the CRS outlining the fact that every single one of our 50 States already criminalizes cruelty to animals.

Now, yes, it may very well be as Loretta Switt and others from Hollywood who are so offended by this, and they ought to be, it may very well be that prosecutors in California have a difficult job prosecuting these cases. If that is, in fact, the case, and I am not making a judgment on it, but if it is, then the remedy, Mr. Speaker, is not to come running to the Congress and say, oh, give us a Federal statute to make our job easier. The proper response, at least for those of us who I thought supported principles of federalism, would be, if they in California believe that their State laws are insufficient to enable them to properly investigate, prosecute, and put behind bars those who conduct this disgusting activity, then they have a remedy, change their State laws, give their prosecutors more tools that they might need to do this. And the same would apply for every one of the 50 States.

I would urge my colleagues on the other side and I asked them this during the debate in the Committee on the Judiciary to identify for me which among all of the provisions of the U.S. Criminal Code, this massive volume here, Mr. Speaker, they do not think are being handled sufficiently.

Because if we pass this legislation telling the FBI that it now will have, in addition to all this other responsibility, the responsibility for investigating videos of cruelty to animals by women in high heels, then we are telling them we want them to take away their time from prosecuting these other provisions of the criminal law in order to go after women in high heels crushing animals or bugs or whatever it is.

I am not making a judgment on whether or not that is improper behavior. Clearly it is. It is disgusting. It is abhorrent. But it is already illegal under State law.

I would much prefer, Mr. Speaker, to tell our Department of Justice, and we have great difficulty getting them to properly prosecute existing laws with regard to violence against children involving firearms, for example, to say, oh, in addition to that, they are not doing a good job of that, but here are some more things they have to do. Go after these videos.

I would urge my colleagues to just step back for a moment and recognize that, yes, this behavior is disgusting. A lot of behavior is disgusting. That does not mean, nor should it mean, that we need to federalize this crime where there are already, Mr. Speaker, the laws of the 50 States that make this illegal, there are the laws of the 50 States against pornography, obscenity, and the Federal law.

There is no need for this legislation. Defeat it and bring common-sense principles of federalism back to this body.

Mr. SCOTT. Mr. Speaker, could the Chair advise us as to the time remaining.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. SCOTT) has 6½ minutes remaining. The gentleman from Florida (Mr. MCCOLLUM) has 13½ minutes remaining.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GALLEGLY), the author of the bill.

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

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

Mr. Speaker, first of all, I cannot let a couple of the statements of my distinguished colleague the gentleman from Georgia (Mr. BARR) stand.

Number one, the gentleman knows better. This has nothing to do with bugs and insects and cockroaches, things like that. This has to do with living animals like kittens, monkeys, hamsters, and so on and so forth.

Furthermore, it is the prosecutors from around this country, Federal prosecutors as well as State prosecutors, that have made an appeal to us for this. And further, it is not a requirement of them to prosecute the cases. This statute only gives them more tools at their option to prosecute if they deem necessary rather than taking away from, as the gentleman says, maybe more important cases.

□ 1715

So I think that that argument is very invalid.

Mr. Speaker, I do appreciate the opportunity to address the House today on H.R. 1887, a bill to prohibit the sale of depictions of animal cruelty.

What do Ted Bundy and Ted Kaczynski have in common? They tortured or killed animals before killing people. Many studies have found that people who commit violent acts on animals will later commit violent acts on people.

District Attorney Michael Bradbury of Ventura County in my home district of California came to me because he cannot prosecute people who are involved in promoting and profiting from violent acts to animals. The people are making and selling crush videos. These videos feature kittens, hamsters, birds, sometimes even monkeys and they are taped to the floor while women slowly torture and crush them to death. These videos, over 2,000 titles, sell for as much as $300 apiece.

Federal and State prosecutors from around the country have contacted me to express the difficulty they have in prosecuting people for crush videos because the only evidence of the crime is on videotape. It is difficult to prove that the tape was filmed within the statute of limitations and it is difficult

to identify the person in the video. Further, the producer and distributor of the video, the person making the big bucks, is not violating any current State or Federal laws.

H.R. 1887 was drafted very narrowly to protect the freedom of speech guaranteed under the first amendment. The House Committee on the Judiciary passed the bill with bipartisan support by a vote of 22–4.

I want to thank the gentleman from Florida (Mr. MCCOLLUM), the chairman of the subcommittee; his staff, the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. CONYERS) and all the cosponsors of the bill. I want to thank my district attorney Michael Bradbury for bringing this to my attention, his deputy attorney Tom Connors and my staff along with the Doris Day Animal League for helping me in my efforts to put an end to this crush video business.

I ask my colleagues to join in supporting H.R. 1887.

I appreciate the opportunity to rise and speak in favor of H.R. 1887, a bill to prohibit the sale of depictions of animal cruelty.

What do Ted Bundy, David Berkowitz (the ''Son of Sam'' murderer), and Ted Kaczynski have in common? They all tortured or killed animals before they started killing people. The FBI recently stated that children who torture animals should be considered ''potentially violent'' and this may be a factor in profiling a child as the next school shooter. Many studies have found that people who commit violent acts on animals will later commit violent acts on people. Planned, acts of animal cruelty is a problem that should be taken seriously.

District Attorney Michael Bradbury of Ventura County, California, came to me because he cannot prosecute people who are involved in promoting and profiting from violent acts to animals. The people are making and selling ''crush videos.'' These videos feature kittens, hamsters, birds, and even moneys that are taped to the floor while women, sometimes barefooted, and sometimes in spiked heels, slowly torture and crush the animal to death. The videos sell for up to $300 and more than two thousand titles are available for sale nationwide. People who buy the videos purchase them to satisfy their sexual foot fetish.

Federal and state prosecutors from around the country have contacted me to express the difficulty they have in prosecuting people for crush videos because the only evidence of the crime is the videotape. It is difficult to prove that the tape was filmed within the statute of limitations, and it is difficult to identify the person in the video. Further, the producer and distributor of the video, the person making the big bucks, is not violating any federal or state laws. The state law on the books and the lack of a relevant federal law leave the prosecutors empty handed. The current law is insufficient to prosecute crush videos.

H.R. 1887 targets the profits made from promoting illegal cruel acts toward animals. The bill was drafted very narrowly to protect the freedom of speech guaranteed by the First Amendment. In order to be prosecuted for this proposed law, one must first violate a state or federal animal cruelty law in creating a depiction of a live animal. Then the person must sell the video or intend to sell the video across state lines. The First Amendment would not protect videos that are made for profit and that are filming someone violating an existing law. The state has an interest in enforcing its existing laws. Right now, the laws are not only being violated, but people are making huge profits from promoting the violations.

Some of the leading constitutional lawyers in the nation helped me draft the bill. In addition, following a hearing in the Crime Subcommittee, this legislation was amended to further ensure that it does not infringe upon the First Amendment. The bill specifically excludes any depiction that has serious political, scientific, educational, historical, artistic, religious, or journalistic value. As amended, the bill does not prohibit groups such as the Humane Society of the United States from creating an educational documentary on animal cruelty.

The value of crush videos is de minimis. Crush videos would not fall within the specific exceptions to the bill.

The sick crush video business must end. The cruelty to animals must stop. The House Committee on the Judiciary agreed that crush videos should not be sold and passed the bill with bipartisan support by a vote of 22–4. Please support H.R. 1887.

I want to thank the Chairman of the Crime Subcommittee, Congressman BILL MCCOLLUM and his staff, Chairman HENRY HYDE and Ranking Member JOHN CONYERS, and all of the cosponsors of the bill. I also want to thank District Attorney Michael Bradbury and his Deputy District Attorney, Tom Connors, and the Doris Day Animal League for helping me in my efforts to put an end to the crush video business.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. I thank the gentleman from Virginia for yielding me the time.

Mr. Speaker, I rise in opposition to this bill. If ever there were a bill unnecessary, this is one. It is an example of us here in the Congress looking for dragons to slay. This is absolutely unnecessary. There is no real purpose in passing this legislation. As has been said, all 50 States have laws against violence and cruelty to animals. That should be adequate. But the way this bill is written really opens up a Pandora's box. It is a can of worms.

Take, for instance, it says, ''whoever knowingly possesses a depiction of animal cruelty with the intention of placing that depiction in interstate commerce.'' That, you can get 5 years for. How do you prove intention? This is subjective, purely subjective. This is not narrowly written, this is very broadly written. This is a first amendment concern to many, but it is also so unnecessary.

Chief Justice Rehnquist, along with Ed Meese, has stated recently, there is just no need for more Federal laws. We do not need more Federal laws. We cannot even enforce the ones that we have. And besides, this is strictly a State matter.

Now, if they want to use the interstate commerce clause, they should be reminded, up until this century at least, the interstate commerce clause was used in its original intent to open up trade between the States. It was never the excuse to regulate everything between the States. That is a 20th century distortion of the interstate commerce clause. So that is not even a real good excuse for this.

Now, cruelty to animals, nobody is going to come and defend cruelty to animals. But quite frankly there will be times it will be difficult to define. The motivation for most cruelty to animals is because people are sick. This is a mental illness. We are dealing with mental illness here and we are going to write a Federal law against it. So if somebody, and it was even mentioned by the proponents of this bill, that people like Ted Bundy delight in this. Yes. These people are psychopaths. They are nuts. It is an illness. We cannot pass a law to deal with mental illness. I strongly object to this approach. We should be thinking not only about the process but of the unintended consequences of passing legislation like this.

I have seen some pretty violent ads on television of killing cockroaches. I know that is not their intention. I went fishing one time and it was rather ghastly. I am not a very good fisherman nor a hunter. I cannot see the killing of animals. But to see the hook pulled up on a kingfish and have the fish thrown on the deck and the fish suffocate, we make movies of this. This is on television. They say this will not be affected. How do we know? There are hunting films on television. Animals are shot. Maybe people are delighting in looking at the cruelty or the killing of animals on television even though they are sporting or fishing shows.

Yes, I agree that is not what is intended, but so often our legislation gets carried away and is misinterpreted. I would ask my colleagues not to pass this legislation. This legislation does not have any redeeming value whatsoever. It is well-intended in the sense that people object to cruelty to animals but quite frankly I have not had one single request from my 595,000 constituents in my district for this bill, and I would like to see how many others who would honestly get up here and say, oh, I have had dozens or hundreds or thousands of people.

The only people that I have heard that have requested this piece of legislation are law enforcement officials, not the judges who have to deal with this, not the people in the country, not the State legislative bodies, not the governors, but people who may want to have a lot more activity to do things they are not doing well enough anyway. Federal law enforcement is lagging. So to put another law on the books which is not well written, and it is subjective in that we have to decide whether or not the person who possesses this material is intending to sell it to somebody.

This bill really is something that we need to just reject, vote down. We do not need it. The States will take care of this. We do not need to be bashful and say that if we do not vote for this bill for some reason that we endorse the idea of animal cruelty. That is not the case. Nobody endorses this. I just think that the qualifications in here to exempt certain people like journalistic and historical and artistic, these categories, quite frankly, who will be the judge? It will be very difficult to do.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, let me say this to the gentleman from Texas. I do not want to have to wait till my district attorney calls me. Recently in Arkansas, Andrew Golden, a little 11-year-old boy, shot 10 of his classmates. He had a history of animal cruelty. Luke Woodham in Mississippi, a little boy who opened fire on his fellow students, he had a history of animal cruelty. The sponsor of this bill mentioned Ted Bundy, and I commend the gentleman from California (Mr. GALLEGLY). He mentioned the Unabomber. Let us add to that list. How about ''Son of Sam'' David Berkowitz and Jeffrey Dahmer? What do all these people have in common? They have a history of abusing animals, of animal cruelty.

What does that matter to what we are discussing here today? Psychologists tell us that when we view these activities, they desensitize our young people to a behavior which appears to be a gateway to violent acts of indiscriminate, cold-blooded murder. Now, we might not have much of a compelling state interest in bugs and beetles and hamsters but we do in our children, and we do not want any activity which desensitizes our children, which might be a gateway to more violent acts.

Yes, these people are mentally ill but people are not always mentally ill. There are things that cause them to be mentally ill, and it is clear to some of us that these videos can push people, they can desensitize people. Why are we so upset? Not because it is disgusting as disgusting as it is, but because it is dangerous. What are we trying to protect? We are trying to protect the first amendment, but we are also trying to protect our children. The Supreme Court has already ruled on several occasions that animal cruelty is not protected, and this statute is necessary to stop the interstate sale of videos which show this animal cruelty and which get in the hands of our children.

Why do we need such a law? Somebody said we have got all the laws on the books. Let me address that last argument. In these videos, all we see is the feet and the hands of these people crushing these small animals. Our law enforcement officers cannot identify these people. In every State it is against the law for them to do it, but we cannot identify these people. But we can identify who is selling them. They are selling them for $100 and $50 and $30 and there are over 2,000 of them.

It is time to close this loophole and protect our children. This is about children, not about beetles.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I do not need 2 minutes. I would like to concur with what we just heard. The gentleman from Alabama said it right on target. It is not about animals, it is about people. It is not about freedom of speech, it is not about federalism, it is about people. It is certainly not about needing to do it because we do need to. It is about a sick society we are trying to make better. This is an obvious way to do it. We cannot prosecute these people without this law. It will continue. It will grow. It will just fester and fester and fester. It is just gross and it is sick and we need to put an end to it.

Mr. MCCOLLUM. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise as a cosponsor of H.R. 1887 which my friend the gentleman from California (Mr. GALLEGLY) introduced in order to prevent and punish those who create videos which depict violent acts of animal cruelty in violation of State laws.

My experience in working on domestic violence issues alerted me to the connection between animal abuse and violent behavior. Often, women in domestic violence shelters report that their abusers victimize the family pet in order to control their behavior or the children's behavior. Abusers often threaten to harm or inflict pain to the animal to demonstrate control within the home. Not surprisingly, children raised in such homes often learned that cruelty to animals is acceptable behavior, certainly when they are watching such videos. In turn, this behavior becomes the first step in repeating a legacy of violence and the conditioning of referring to violence in demonstration of power or frustration. Raising awareness about the link between animal cruelty and domestic violence, child abuse and other forms of violent behavior I think is an important step in trying to prevent such violence. This bill would address one source of animal cruelty by punishing those who create, sell or possess depictions of animal cruelty with the intention of earning commercial gain from that depiction.

The legislation reflects a growing awareness, a growing concern, that violence perpetrated on animals is unacceptable and often escalates to violence against humans. FBI Special agent Allan Brantly stated last year that, quote, ''animal violence does not occur in a vacuum. It is highly predictive in identifying children being abused and cases of spousal abuse.'' He continues to say, ''In many cases we have seen examples whereby enjoyment from killing animals is a rehearsal for targeting humans.'' I would say the same of viewing this.

In a survey of domestic violence shelters in every State, 85 percent of the women reported situations where their abuser abused or threatened abuse on the family pet. Increasingly, the intentional harming or killing of pets by adults or children is recognized as an indicator of violence in the home. It is essential that our society recognizes this link and punishes acts of animal cruelty. I urge support of H.R. 1887. I hope its passage will increase awareness of the serious nature of animal cruelty.

□ 1730

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, some things are just plain wrong. I am gratified that most of this Congress did not have the unpleasant experience of viewing what those of us on the Subcommittee on Crime had the opportunity to view. This was the physical and actual crushing, as they are called, crush videos, of kittens and hamsters and birds taped to the floor while women with either bare feet or high heels are crushing these animals for either the sexual pleasure of those who are viewing these videos or something else.

There is something to the value of the Federal Government making a moral statement that this is abhorrent and intolerable behavior.

I think it is important to delineate why we are passing such legislation on the Federal level. First of all, it deals with interstate commerce. Secondarily, it deals with the creation, the selling or possessing of such. We realize that mental illness comes into play, but the idea that there is profiteering because these videos are being sold and potentially our children are having access to seeing them on the Internet makes it, for me, something that should not be protected by the First Amendment.

I am gratified by the amendment offered by the gentleman from Florida (Mr. MCCOLLUM), and I thank the gentleman from California (Mr. GALLEGLY) for his leadership on this bill that takes away the potential of interfering with religion or journalistic issues.

Mr. Speaker, this is an abhorrent act. This is someone engaging in producing such videos to attract an audience and to sell it. Our law enforcement has said we can do nothing with State cruelty laws, because we cannot see the stomping person, but we can find the person who produced it.

I would hope that America would stand for something better than that,

that we would stand against this kind of reckless and random violence so that our children will understand the moral values of the sanctity of life. This is unnecessary, this is profiteering, and it is unnecessary to have these kinds of acts.

Mr. Speaker, I would simply add that we outlaw it and outlaw it now.

Mr. Speaker, I wish to rise to support H.R. 1887, a bill to amend Title 18, United States Code, to punish the depiction of animal cruelty. Recently, we heard compelling testimony about the heinous practice of crush videos. After hearing these insightful witnesses, I am more certain than ever that legislative action is needed.

A depraved video market has emerged which features women crushing small animals to death with their feet. Generally, these ''Crush Videos'' depict kittens, hamsters, and birds taped to the floor while women, sometimes, barefooted, sometimes in spiked heels, step on the animals until they die. The videos sell for $30 to $100 and more than 3,000 titles are available for sale nationwide.

The acts of animal cruelty featured in the video are illegal under many State laws. However, it is difficult to prosecute these acts under State animal cruelty laws because it is difficult to identify the individual in the video. This is primarily because only the women's leg is shown in the video. Further, it is difficult to determine when the act depicted in the video occurred for purposes of proving it was done within the statute of limitation.

H.R. 1887 was introduced by Representative ELTON GALLEGLY (R–CA) to address this problem. The bill would make it violation of Federal law to knowingly create, sell, or possess a depiction of animal cruelty with the intent of placing that depiction in interstate or foreign commerce for commercial gain. The term ''depiction of animal cruelty'' is defined to mean a depiction in which a living animal is intentionally maimed, mutilated, tortured, a wounded or killed, if such conduct is illegal under Federal or State law. The bill further provides for a fine and/or imprisonment of not more than 5 years.

I believe that H.R. 1887 is a good measure and would go a long way in eradicating this blight on civilized society. Having said that, I am concerned that H.R. 1887 may violate the first amendment right to free speech. Representative MCCOLLUM offered an amendment in the nature of a substitute during Judiciary Committee markup that provided for an exception to its provisions where otherwise prohibited depictions are for serious political, religious, artistic, scientific, newsworthy or educational purposes. The purpose of the amendment was to ensure that, for example, an entertainment program on bullfighting in Spain would not violate the new statute where it is possesses or distributed in a State where bullfighting is prohibited.

I am of the opinion that the McCollum amendment addresses the first amendment concerns. Specifically, the legislative language in H.R. 1887 in its amended form is distinguishable from the statutes struck down in cases such as *Church of the Lukumi Babalu Aye* v. *City of Hialeah,* 508 U.S. 520 (1993), striking down a city ordinance that prohibited ritual animal sacrifice but that allowed other forms of animal slaughter, and *Simon & Schuster* v. *Crime Victims Bd.*, 502 U.S. 105 (1991), striking down New York's ''Son of Sam'' prohibition against criminals profiting from the sale of stories about their crimes.

The court in Simon & Schuster stated that ''[a] statute is presumptively inconsistent with the First Amendment if it imposes a financial burden on speakers because of the content of their speech.'' The case goes on to state that ''The Son of Sam laws establishes a financial disincentive to create or publish works with a particular content.'' In order to justify such differential treatment, ''the State must show that its regulation is necessary to serve a compelling state interest and is narrowly drawn to achieve that end.''

H.R. 1887 addresses the compelling State interest of preventing the crime of animal cruelty. Additionally, H.R. 1887 narrowly tailored to the knowing depiction of specifically outlined illegal conduct, and that conduct already determined by state statute to be animal abuse, with the intent to place that depiction in interstate commerce. I believe that the legislation is therefore sufficiently narrowly drawn to only prevent depictions of criminal conduct.

Accordingly, I urge my colleagues to support this measure to stop this barbaric activity.

Mr. MCCOLLUM. Mr. Speaker, I would inquire of the Chair how much time each side has remaining.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. MCCOLLUM) has 2½ minutes remaining; the gentleman from Virginia (Mr. SCOTT) has 1½ minutes remaining.

Mr. MCCOLLUM. Mr. Speaker, I have no other speakers but myself to close.

Mr. SCOTT. Mr. Speaker, I yield the remainder of our time to the gentleman from South Carolina (Mr. SANFORD).

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SANFORD) is recognized for 1½ minutes.

Mr. SANFORD. Mr. Speaker, I do not know if this would mean somehow that the Kentucky Derby would become a Federal crime as the jockey whips the horse; I do not know if one of the biggest times in the low country of South Carolina would now suddenly become a Federal crime as one literally throws live crabs into hot boiling water to steam crabs. However, what I do know is that the Federal Government cannot keep up with what is already on its plate, and the Justice Department is already very busy trying to prosecute what is before it. The idea of adding another Federal crime to again, as the gentleman from Texas (Mr. PAUL) has suggested earlier, this is something that I am not hearing from my constituents back home and it does not make sense to me.

There has been a lot of talk about the children, how are we going to protect the children. I can assure my colleagues, my kids will not be checking out from Blockbuster Video crush videos, and the responsibility, if we are serious about this as Republicans on who is going to control which videos my kids or your kids are watching, I think comes back to the home.

Mr. MCCOLLUM. Mr. Speaker, I yield 40 seconds to the gentleman from California (Mr. GALLEGLY), the author.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding, and with all due respect to my good friend from South Carolina (Mr. SANFORD), and he is my good friend, when he said he does not know whether it would be in effect for a jockey whipping a horse at the Kentucky Derby or crustaceans or the like, I can assure him that if he had read the bill a little more carefully, he would find that that absolutely is not a part of this legislation.

As it relates to adding another statute, it does not add another statute as it relates to the issue of animal cruelty. It only gives the prosecutors one more tool to prosecute existing law.

Mr. MCCOLLUM. Mr. Speaker, I yield myself the remainder of the time.

If I might in closing, the gentleman from California (Mr. GALLEGLY), the author, is quite right. I just want to amplify this point. This bill in no way affects insects or bugs or crabs. First of all, we have to have animal cruelty under State law before this applies.

Secondly, there is no Federalization of State law involved here. No animal cruelty law is brought into the Federal scheme of things, only the interstate sale we are dealing with of these horrible products. This is the same type of thing we have when we deal with the drug issue about the intent to sell and the sales that occur across State lines. Of course those could be just relegated to the States to enforce these laws, but now we have the Internet, we have interstate sales, we have the invidious, horrible things that happen to children when they see these depictions, just as when they are involved in the receiving end of the drugs.

So I think this is a very important statute and not federalizing anything else we are proposing.

Last but not least, this is clearly constitutional, because the bottom line of it is there is no redeeming value whatsoever. It does not rise to that level at all to be protected as free speech when we are talking about torturing an animal under the purposes here with all the exemptions we have for journalistic and religious and other reasons.

So I encourage in the strongest of terms the adoption of this bill today. We need to protect our kids. This is about children and it is about cruelty, and it is about teaching the lessons of morality, but it is most importantly about giving law enforcement the tools to make this really effective in the world of the Internet we live in today and the interstate commerce where people are making videos today, taking hamsters and kittens and literally torturing them to death for 10 or 15 or 20 minutes, slowly, to get the voice over it for sexual fetishes to sell around the world.

I urge the adoption of this bill.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of H.R. 1887—legislation that will put a stop to the outrageous production and sale of so-called ''crush videos.'' These disturbing videos show women crushing small

animals to death with their feet. Kittens, hamsters, guinea pigs, birds, small dogs and other animals are taped to the floor while a woman, sometimes barefooted and sometimes in spiked heels, step on the animal until it dies. These vicious videos sell for as much as $100 and, as incredible as it seems, there are over three thousand titles now for sale.

Mr. Speaker, numerous studies have demonstrated that the individuals who commit violent acts against animals are also the same individuals who commit violent acts against humans. In the last Congress I introduced legislation which dealt with that problem. The Congressional Friends of Animals, of which I am the Democratic Co-Chair, held a briefing last year to explore the link between animal abuse and domestic violence. Based on the information we received at that briefing, I introduced a resolution which recognized this link and called on Federal and local law enforcement officials to treat animal cruelty seriously ''because such cruelty is a crime in its own right in all 50 states, and because it is a reliable indicator of the potential for domestic and other forms of violence against humans.'' My resolution urged Federal agencies to focus greater research in order to understand the link between animal cruelty and violent crime.

It is no surprise that individuals who brutalize animals are very often guilty of committing similar crimes against people. Violence against animals in many cases precedes and frequently coexists with spouse abuse, elder abuse, as well as murder and assault. A 1997 survey found that over 85 percent of women in shelters, who suffered violence in the home, also reported violence directed against pets or other animals. The American Psychiatric Association considers animal abuse as one of the diagnostic criteria of a conduct disorder. Brutality against animals is not normal behavior, and we must make that clear, as this legislation does, that this is a crime and it will be punished.

Mr. Speaker, H.R. 1887 is a narrowly drafted bill tailored to prohibit the creation, sale or possession with the intent to sell or distribute the depiction of animal cruelty in interstate commerce for commercial gain. It does not preempt state laws on animal cruelty, but rather strengthens the reach of state laws in the state where the cruelty occurred. The bill provides our nation's law enforcement officials with the tool they need in order to prosecute the vicious and vile individuals who produce these ''crush videos.''

Mr. Speaker, this is an important step to stop this abhorrent practice. I strongly urge my colleagues to support this legislation.

Mr. FARR of California. Mr. Speaker, I rise in support of Mr. GALLEGLY's bill H.R. 1887. I would like to congratulate the Crime Subcommittee for producing this excellent legislation and I look forward to working with them on my own bill to end the cruel treatment of elephants in circuses.

H.R. 1887 will put a stop to the production and sale of ''crush videos'' which feature women crushing small animals to death with their feet. Kittens, hamsters, and birds are taped to the floor while the women, sometimes barefooted, and sometimes in spiked heels, step on the animal until it dies. The videos sell for $30–$100 and more than three thousand titles are available for sale nationwide.

The acts of animal cruelty featured in animal ''crush videos'' are illegal under state law. However, it is difficult to prosecute these acts under state animal cruelty laws. First, a District Attorney must identify the individual in the video. This is a difficult task given the fact that most of the time, only the actress' legs are shown. Second it is difficult to prove that the act featured in the video occurred within the statute of limitations. Third, local animal cruelty laws do not prohibit the production, sale, or possession of the video. There are no applicable federal laws.

H.R. 1887 is narrowly tailored to prohibit the creation, sale or possession with the intent to sell a depiction of animal cruelty in interstate commerce for commercial gain. The bill does not preempt state laws on animal cruelty. Rather, it incorporates the animal cruelty law of the state where the offense occurs.

The bill would provide prosecutors with the tool they need to prosecute people for making ''crush videos.'' By targeting the profits made from this disgusting video, we will put a stop to its production.

Mr. Speaker, there is no place for this kind of cruelty in the entertainment industry. I am pleased to support Mr. GALLEGLY's bill, H.R. 1887, and encourage my colleagues to do the same.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 1887, as amended.

The question was taken.

Mr. BARR of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained. Votes will be taken in the following order:

H.R. 1180 by the yeas and nays, and

H.R. 1887 by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

## TICKET TO WORK AND WORK INCENTIVES IMPORVEMENT ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1180, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 1180, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 9, not voting 12, as follows:

[Roll No. 513]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup

Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Cannon
Coburn
Cook
Doolittle
Hansen
Johnson, Sam
McIntosh
Moran (KS)
Paul

NOT VOTING—12

Armey
Buyer
Camp
Fowler
Gephardt
Jefferson
Lewis (GA)
Martinez
Ros-Lehtinen
Rush
Scarborough
Wise

□ 1759

Mr. COOK and Mr. HANSEN changed their vote from ''yea'' to ''nay.''

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

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## DIRECTING SECRETARY OF SENATE TO REQUEST RETURN OF CERTAIN PAPERS

The SPEAKER pro tempore (Mr. LAHOOD). The Chair lays before the House a privileged message from the Senate.

The Clerk read as follows:

S. RES. 127

*Resolved,* That the Secretary of the Senate is directed to request the House of Representatives to return the official papers on S. 331.

The SPEAKER pro tempore. Without objection, the request of the Senate is agreed to.

There was no objection.

The SPEAKER pro tempore. The Clerk will return the bill to the Senate.

## AMENDING TITLE 18, UNITED STATES CODE, TO PUNISH THE DEPICTION OF ANIMAL CRUELTY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1887, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 1887, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 372, nays 42, not voting 19, as follows:

[Roll No. 514]

YEAS—372

Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Callahan
Calvert
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—42

Abercrombie
Barr
Bateman
Burr
Burton
Cannon
Chenoweth-Hage
Clayton
Coburn
Collins
Cooksey
DeGette
Doolittle
Dreier
Graham
Hill (MT)
Hoekstra
Hostettler
Hunter
Johnson, Sam
Kingston
Linder
Manzullo
Meek (FL)
Norwood
Nussle
Paul
Ryun (KS)
Sanford
Schaffer
Scott
Sessions
Shadegg
Sununu
Tauzin
Taylor (NC)
Thornberry
Tiahrt
Waters
Watt (NC)
Watts (OK)
Wicker

NOT VOTING—19

Armey
Borski
Buyer
Camp
Duncan
Fowler
Gephardt
Jefferson
Jenkins
John
Lewis (GA)
Martinez
Murtha
Ros-Lehtinen
Rush
Scarborough
Stupak
Watkins
Wise

□ 1808

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

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHN. Mr. Speaker, on rollcall No. 514, I was inadvertently detained and missed the

vote. Had I been present, I would have voted ''yea.''

Mr. DUNCAN. Mr. Speaker, on rollcall No. 514, I inadvertently missed the vote. Had I been present, I would have voted ''yea.''

Mr. JENKINS. Mr.. Speaker, on rollcall No. 514, I was unavoidably detained. Had I been present, I would have voted ''yea.''

## PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I was in my district today. However, I wish to be recorded as a ''yea'' vote on rollcalls 509, 510, 512, 513 and 514 and a ''nay'' vote on rollcall 511.

## CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–146)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 1999.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property subject to the jurisdiction of the United States and by depriving them of access to the United States market and financial system.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 19, 1999.*

## PERMISSION FOR COMMITTEE ON EDUCATION AND THE WORKFORCE TO FILE SUPPLEMENTAL REPORT ON H.R. 2, DOLLARS TO THE CLASSROOM ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be permitted to file a supplemental report on the bill, H.R. 2.

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

There was no objection.

## AGREEING TO CONFERENCE REQUESTED BY SENATE ON H.R. 3064, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 333 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 333

*Resolved*, That the House disagrees to the Senate amendment to the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference requested by the Senate thereon.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), 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, House Resolution 333 provides that the House disagrees to the Senate amendment to the bill, H.R. 3064, the District of Columbia Appropriations Act, 2000, and agrees to a conference with the Senate on the bill.

Mr. Speaker, this resolution is intended to move the appropriations process forward. H.R. 3064 was not reported by the Committee on Appropriations, therefore no motion to go to conference could be authorized by the committee. Usually these motions are approved by unanimous consent; however, as their latest attempt to obstruct our ability to pass responsible appropriations measures and save the Social Security surplus, the minority refused to grant such a request yesterday.

Normally, motions to go to conference require an hour of debate on the floor. By calling up this resolution, we have ensured that the motion will receive a full and fair debate and the same vote that could be requested under regular order. The resolution also does not preclude the right of Members to be recognized for another hour of debate on a motion to instruct conferees.

Mr. Speaker, to date, the President has vetoed or threatened to veto 4 of the 13 appropriations bills representing $133 billion in Federal spending. The reason of him vetoing the bills is that they do not spend enough. Of course, on the same day, the President regularly gives himself credit for the surplus and challenges Congress to preserve the Social Security Trust Fund that he himself is trying to spend.

□ 1815

Rather than issue the daily veto threats to our fiscally responsible appropriations bills, we believe the President should help Congress preserve Social Security and maintain our balanced budget. I hope that this conference will be the first step toward a cooperative budget process that will result in a balanced budget and a secure future for America's seniors. I urge my colleagues to pass this resolution.

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

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

Mr. Speaker, I am not going to oppose this rule, since it merely enables the House to send the District of Columbia appropriations bill to conference. We are well into the fiscal year, and it is time to get on with funding the District. However, I do want to express my concern that there might be a plan to attach the Labor-HHS appropriations to the D.C. bill in conference.

I want to state unequivocally that the Democratic Members of this House will oppose such a move. The District has been held hostage on other issues; and now, just as we are getting to the point where there might be a bill the President can sign, the Republican majority may be increasing the ransom demand. That is unacceptable, Mr. Speaker, as well as grossly unfair to the residents of this city.

In fact, Mr. Speaker, I am distressed to read in the papers that the chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations has said that the conference on his bill is all but finished. I have to ask how can the conference be all but finished when the House has never even considered the bill? I appreciate the fact that the subcommittee chairman is attempting to move his bill, but might I suggest that regular order might be preferable, albeit far more difficult, than this back-room wheeling and dealing now taking place.

It is time to get on with a real appropriations process, Mr. Speaker, and to stop playing games. I support moving the District appropriations bill to conference, but I will not support any attempt to hold it hostage with an appropriations bill the Republican majority will not even try to pass on its own in this body.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I do not want to take any of the

Members' time, but I thank the gentleman for yielding me this time.

Mr. Speaker, I do not think this conference is going to take long. We have had a very good meeting, and we are reaching agreement; and basically they are suggestions that we discussed the last time we visited this issue on the floor of the House.

I do hope that that bizarre idea of adding the Labor, Health and Human Services appropriations bill to the D.C. appropriations bill is a stillborn idea. Obviously, that would seriously complicate things. But as long as that does not occur, I think we can dispatch the D.C. appropriations bill in very quick order and bring it back to the floor and find the kind of agreement, in fact, hopefully unanimous consensus, that it is a bill that we can all live with and that the White House can sign.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to the District of Columbia Appropriations Bill for fiscal year 2000. This legislation funds the operations of the federal share for the D.C. government and its 600,000 residents, including city government, its social service agencies and fire and police departments.

Unfortunately, the conference reports passed by the Congress the last several weeks have been flawed. While they do include several provisions I support—prohibiting the use of marijuana for medicinal purposes, and the implementation of a needle exchange program for illegal drug addicts—they did not contain the level of oversight I believe is necessary for the Congress to safeguard the taxpayers money. While I disagreed with the Administration's veto for different reasons, in particular its support of the needle exchange and marijuana programs, I believe it gives us a new opportunity to include more accountability for the District's programs.

The District oversees billions of dollars in housing, education, health care and law enforcement programs administered to its residents. While improvements have been made in past years, in particular with a new police chief and law enforcement operations, problems continue to plague its housing and educational facilities. The District's new mayor, Anthony Williams, has begun to take steps to put the right people in place to make the changes necessary to provide full accountability for the federal funds administered by its government, and changes are needed. However, until those changes are in place and reform has begun, it is incumbent on this Congress to continue in its oversight role.

We know the difficulties that have plagued the District government for years—mismanaged housing programs that have resulted in dilapidated structures for its public housing residents, and schools that have not opened on time because of faulty roof construction, leaving thousands of public school students without a place to go during the day. We must continue to provide support and oversight to see that these long-term problems affecting the District's residents are resolved.

I urge my colleagues to reject any report that does not have sufficient oversight so that we can work with the City Government to achieve the goals of the new Mayor while providing the nation's taxpayers with some assurance their funds are being used to give a new direction to their nation's capital city.

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

Mr. LINDER. Mr. Speaker, I have no further requests for time, 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.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will appoint conferees on H.R. 3064 later.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 71. A joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

## MOTION TO INSTRUCT CONFEREES ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. UPTON. Mr. Speaker, I offer a privileged motion.

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

The Clerk read as follows:

Mr. UPTON moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2670 be instructed to agree to the provisions contained in section 102 of the Senate amendment (relating to repeal of automated entry-exit control system).

The SPEAKER pro tempore. The gentleman from Michigan (Mr. UPTON) will be recognized for 30 minutes, and the gentleman from New York (Mr. LAFALCE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. SMITH of Texas. Mr. Speaker, I would like to inquire whether the gentleman from New York (Mr. LAFALCE) is opposed to the motion.

The SPEAKER pro tempore. Is the gentleman from New York (Mr. LAFALCE) opposed to the motion?

Mr. LAFALCE. I AM STRONGLY IN SUPPORT OF THE MOTION, MR. SPEAKER.

Mr. SMITH of Texas. Mr. Speaker, in that case, pursuant to clause 7(b) under rule XXII, I rise to claim a third of the time since I am in opposition to the motion.

The SPEAKER pro tempore. The Chair will divide the time 20 minutes for the gentleman from Texas (Mr. SMITH), 20 minutes for the gentleman from Michigan (Mr. UPTON), and 20 minutes for the gentleman from New York (Mr. LAFALCE).

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

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

Mr. BONILLA. Mr. Speaker, I rise in support of the motion. There is no one in this body who represents more territory along a border of the United States bordering another country than I do. I have almost 800 miles of the Texas-Mexico border in my congressional district. It is a wonderful area.

The section that we are discussing today, known as section 110, was put into law sometime ago by the gentleman from Texas (Mr. SMITH), my dear friend, with very good intentions. However, as he knows, and other Members of this body know, there are many communities along the Mexican border and the Canadian border that are terrified that the implementation of this program will cause greater congestion at the border than we even see today.

If any of my colleagues were to visit any of the communities along the Texas-Mexico border, Laredo, Texas, for example, Eagle Pass, Del Rio, El Paso, they will see long lines of traffic and pedestrians clogging the border at points of entry. In some cases, in the heat of summer, traffic is backed up several hours. It is extremely difficult to move traffic, to move commerce back and forth in the spirit of free trade that we have, today for example, with Mexico and Canada.

The chambers of commerce and the people, the good entrepreneurs, the small business people, those that are trying to move goods and products and services, and shoppers going back and forth across the border have enough to deal with now and would greatly be concerned about a new system that would be implemented.

I know that the process that is being discussed and proposed into law right now is designed to facilitate traffic. I realize that is the intention. But in all practicality, those of us who live along the border and know the border communities understand that unless this process is refined tremendously, we are greatly concerned that it would impede traffic even more than we are seeing now at these ports of entry. That is why I strongly support this motion by the gentleman from Michigan, who is greatly concerned as well about traffic along the Canadian border.

Again, this is something that even communities that are not right on the border, communities that are in existence a few miles inland from the northern border with Canada and from the Mexican border on the southwest are greatly concerned that this will have a ripple effect with communities that would feel the brunt of the additional traffic jams and the problems with pedestrians crossing at these checkpoints.

So I commend the gentleman from Michigan for offering this motion. I know that this is probably going to be a motion that will perhaps not see the light of day in this session, because the conference report, my understanding

is, is already closed. However, I think it is commendable this issue remain out front, because it is very important to all of us on the northern border and the southern border who believe so strongly that free trade must continue to flow across without any kind of additional barriers that may be implemented with section 110.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ORTIZ).

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

Mr. ORTIZ. Mr. Speaker, I rise today to support the Upton motion to instruct our conferees on the matter of removing section 110 of the Immigration and Reform Act of 1996.

Those of us Texans who border Mexico would like to continue to be the front door for commerce, not the back door, and I think that this is a great motion. I understand that my good friend, the gentleman from Texas (Mr. SMITH), has good intentions; but while this might not be the appropriate vehicle to do it, I think that it is the right thing to do.

Congress' intentions in this bill was commendable, but it was added at the last minute to the immigration bill to address the problem of people overstaying visas. Overstaying visas. Thank God that these people are going back. What will happen if we implement this section? People are going to be afraid to go back because they are afraid that they are going to be incarcerated or picked up.

I would like to echo what has been said by my good friend, the gentleman from Texas (Mr. BONILLA). The people who do business along the border have seen long lines of traffic. I think that this is going to be an insult to our borders, to the citizens on the borders of Canada and Mexico. It is essential that the final appropriations conference report include a repeal of section 110 to avoid the problem that has been described by my good friend, the gentleman from Texas (Mr. BONILLA), and has been brought to my attention by the people that we talk to.

Mr. Speaker, the INS say there is no way that they can implement this system between now and the year 2000. And American businesses do not want to face the prospect of a never-ending string of extensions and cannot afford the uncertainty of not knowing what burdens will be imposed on them and when.

I would like to commend the leadership of my good friend, the gentleman from Michigan (Mr. UPTON), for bringing this up. I know that already the real-life implications of section 110 are being felt in border communities at this moment, already struggling to direct resources to the current infrastructure and enforcement personnel. We have billions of dollars in commerce crossing our borders each day, so I would like to request my colleagues to vote for the Upton resolution.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. SMITH of Texas. Mr. Speaker, my friend and colleague and classmate, the gentleman from Michigan (Mr. UPTON), is offering a motion to instruct conferees to, quote, ''agree to the provision in the Senate bill repealing section 110 of the Immigration Reform Act of 1996.''

This motion, however, defies logic. Why? The conference is over. There is nothing left on which to instruct the conferees. The Senate conferees have already receded to the House bill, which contained no provision on section 110. Why should the House recede to the Senate when the Senate wants to recede to the House?

Some claim, and we have heard that in the last few minutes, that section 110 will shut down our borders and that we must act now. That claim is simply not true. Let me give my fellow Members some of the facts.

Congress overwhelmingly passed the Immigration Reform Act of 1996 because we recognized that our immigration laws needed to be strengthened. Section 110 required the Attorney General to establish an automated entry-exit control system for aliens at points of entry to the United States.

Last year, through an agreement negotiated by the leadership, the Omnibus Appropriations Act extended the deadline for implementation for the land and seaports to March 30, 2001. The extension also included the requirement that the system not, repeat, that the system not significantly disrupt trade, tourism, or other legitimate cross-border traffic at land border points of entry.

□ 1830

So section 110 will not shut down the borders.

I would direct the Members to the actual language of the bill itself that I just read. The INS is already conducting technology tests. The INS' preliminary results ''indicate that radio frequency technology works fast enough to collect entry-exit records in a land border environment. Many critics of the entry-exit control said it could not be done, no technology was feasible. The tests indicate it can be done.''

In fact, the use of technology promises to expedite legitimate traffic at land points, which is exactly what we all want to do, expedite that trade in traffic. The deadline for implementation is 18 months.

Let us give the INS more time to work on implementation. Repeal is clearly not the answer. Let me tell my colleagues why we need section 110 for the good of the country.

Two million of the five million illegal aliens in the United States entered legally on tourist and business visas and never left. They know we have no departure system so they simply enter and then disappear. Seventy percent of the illegal drugs smuggled into the United States came across our southwestern border.

Our northern border is also at risk. The Canadian Security Intelligence Service reported earlier this year ''Most of the world's terrorist groups have established themselves in Canada, attempting to gain access to the United States of America.'' Mr. Speaker, that is the Canadian Security Intelligence Service itself that just said that.

Seven border counties in Washington State have been classified ''high-intensity drug trafficking'' areas, the same designation given to Los Angeles, the southwest border, and New York City by Federal law enforcers. The Federal drug czar's report on the Northwest high-intensity traffic areas states, ''The Pacific Northwest increasingly appeals to drug traffickers as an entry point for illicit drugs. Having a highly developed commercial and transportation infrastructure, the area is favored by large-scale drug smugglers from the Far East.''

An automated entry-exit system will decrease these threats to our national security because the entry-exit system will allow the INS to compare entrants against databases of law enforcement agencies and the Department of State.

As a result, with an automated entry-exit system, the deterrent value of our current system will be significantly enhanced when criminals and terrorists learn they must face the prospect of inspections.

Our interest in facilitating legitimate traffic can be balanced with our national security needs to protect our country against visa overstayers, drug smugglers, and terrorists. The motion should be opposed.

Mr. Speaker, let me also say that this debate tonight is not about trade or traffic. All of us who are involved in this debate, all of us who support section 110 want to increase trade and traffic with our neighbor to the north. That is why this debate is not about trade and traffic. This debate is about trying to reduce illegal immigration, stop terrorism, and try to discourage drug smugglers from entering the United States.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I join the gentleman in opposing this motion.

Mr. Speaker, I understand the concerns of the gentleman from Michigan (Mr. UPTON) that filed the motion and the others who are in favor of this motion to instruct.

Let me say this: The conference with the Senate is concluded and the bill will be filed in a matter of minutes, certainly maybe an hour or so or less. So the conference is concluded and we will have the conference report on the floor, I hope, tomorrow.

Nevertheless, this is an issue that we have all struggled with. It is a tough one. But the motivation behind section 110, of course, as the gentleman from Texas has said, is to try to close the biggest loophole that we have in illegal immigration. Upwards of 40 percent, I am told, of all illegal entries that the country has start out to be legal. They come in on a visa and then simply overstay.

Forty percent of the illegal immigrants in the country came to the country in that fashion, and we have no way of checking to see who is here on an overstay. This section 110 was an attempt to be able to check off of the list those who are simply here overstayed on a visa, of course, legally entering with that passport.

As the gentleman has said, the implementation of the system is required by the law to ''not significantly disrupt trade, tourism, or legitimate cross-border traffic at land border points of entry.''

That has to be addressed by the INS as they implement the law. We want to work with our colleagues to be sure that we do not disrupt the normal legitimate traffic across the borders. It is very important to us and, of course, very important to our neighbors, and there is technologically, I think, ways that that can be done.

INS is now examining those ways. Perhaps it is electronic reading of a vehicle as it comes across the border. Perhaps it is a fast lane, as we have now in Southern California, that allows traffic to bypass the regular stop and be read by a machine as they motor past the checkpoint at a rapid rate of speed.

We think there are ways this can be done, all the while achieving the goal that we have set; and that is to try to close this enormous loophole in the illegal immigration into the country by using the visa system and simply overstaying the time on the card.

I think it can be done. We want to work with our colleagues to make that happen. But we hope that the motion to instruct conferees will be defeated so that we can proceed to try to close the loophole as we recognize the legitimate crossings that take place every hour and every day by people who commute either for tourism or business into and out of this country.

So I would hope that we could defeat the motion. I will be happy to say to the gentleman from Michigan (Mr. UPTON) and others who are in favor of the motion that we will be happy to work with them on ways to get both of our goals achieved.

Mr. UPTON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to thank the chairman of the Commerce, State, Justice Committee on Appropriations and my friend and colleague the gentleman from Texas (Mr. SMITH) as well for their willingness to try to work with us.

I just want to say that the unintended consequences of section 110 is it will shut down the border. We have heard from virtually every business group that does trade, particularly in my home State of Michigan, with Canada, my friends in other States along that border, as well.

I know that the President met with the Prime Minister of Canada just last week. This was the number one issue that they raised. We have heard from the U.S. Chamber. We have heard from the National Association of Manufacturers. We have heard from American truckers. We have heard from the American Association of Export and Importers. We have heard from the travel industry.

We have heard from the National Governors Conference. And I just want to say in the letter that we received from many of the governors, they cite this: ''Although we support its objective to curb the illegal entry of aliens into our country, implementation of an entry-exit control mechanism as described by 110 will not only not solve the problem but it is also not feasible. Besides causing major delays in our land borders and disrupting legitimate cross-border traffic, such a control mechanism will also unnecessarily cause a significant disruption in economic development, international trade, and commerce tourism, and it requires sizable infrastructure investment. The global marketplace, driven by on-time delivery, will also be negatively impacted. Section 110 has the right intention but indeed it is the wrong approach.''

We have heard from a number of our border-crossing communities. They tell us it will take days, 2 or 3 days, for trucks to pass through these borders. Yes, it would be nice if we could think that there is going to be an automobile and we are going have the right card on it and go through the smart lane and register when it comes and goes. But who is to tell who is inside that vehicle, whether there are three people going across the border and what were their names, whether there were four people when they came back?

It is a system that will cost billions of dollars; and if it is ever designed and fully implemented, it still will not work. We need a new approach.

What we are suggesting here is that we repeal, for the time being, section 110. We will look at a feasible study. We will look at some alternative legislation down the road to replace it if and when it is ever ready. But this thing will shut down the border the way that it is now, and that is why in a vote in the Senate I think it was unanimous to get this thing repealed.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I do not really know where to start here because we are at cross purposes. Logic does not make any difference. We are coming from emotional standpoints.

I guess I have to come from the standpoint of being a businessman who operated on both sides of the Canadian border. I know what this means. I know what the people who I used to work with say it will mean, it is one of these obstructionist laws which does not make any sense at all.

I think what the gentleman from Michigan (Mr. UPTON) is doing is absolutely right. Now, if they are down in Texas or they are in another part of the country or have a different set of intellectual or philosophic approaches, that is one thing. But from a practical standpoint, they are making it very difficult. It seems to me that if they are in a business or even if they are in the area of international relations, what they try to do is to make friends.

This is not making friends. The Canadians hate it. They scratch their heads and wonder what we are trying to do. They are great friends, the best friends we have in the world. Whenever we are in trouble, we call upon them. It does not make long-term either international or diplomatic or tourism or business or any other sense.

I agree with the gentleman from Michigan (Mr. UPTON) in terms of offering a motion to instruct conferees on the Commerce, Justice, State bill. I support him and I support the motivation behind the things that he is trying to do. I would hope the rest of us would do the same.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from New York (Mr. LAFALCE) for yielding me the time.

Mr. Speaker, I rise in opposition to the motion to instruct. I came to this issue about 2½ or 3 years ago when I became the ranking member of the Immigration and Claims Subcommittee of the Judiciary Committee and found that most of the decisions that we are making on an immigration basis for this country are being made on very, very subjective criteria.

If we are going to have a policy of checking people who come in and go out of the country and monitoring that, it seems to me that we have got to have an objective way of doing that, and we cannot say to the folks on the Mexican border we are going to have one system and say to the folks on the Canadian border that we are going to have a completely different system.

So if we are going to have a system, it has got to apply all around the borders to all of the entry and exit points. And it seemed it me that that was the only way we were going to get this kind of subjective, I am going to single them out because they look a different way and stop their car because they look a different color, and have a consistent set of principles that apply to all of our border entry and exit places.

So I kind of got on this agenda trying to come up with a set of consistent criteria that applied everywhere.

□ 1845

While I am not wedded to the entry-exit control system that is in place,

whatever system we put in place, if it is going to be effective, cannot be selectively applied using one standard at the Mexican border and another standard at the Canadian border.

It is exactly what the gentleman from New York (Mr. HOUGHTON) indicated that I think is troubling about this. He would like to have, and some people would like to have, and I should not attribute motives to him because I know his motives are always good, but there are people who would like to have a completely different set of rules applicable to the Canadian border than are in application at the Mexican border. You simply cannot do that and have a rational system of immigration in this country.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I regretfully have to stand in opposition to this direction to the conferees. Let me just compliment the gentleman from North Carolina, because I think there is this issue of we need to start finding reasons to continue the issue of addressing illegal immigration and drug smuggling. The trouble is we can always find problems with implementing any program.

I live and grew up within a mile of the largest port of entry in the world, the Tijuana-San Diego port of entry. Technology has been a major asset at not only controlling the immigration in the drug issue but actually encouraging the legal crossings. We have electronic systems there to where businesspeople and individuals who cross the border extensively can electronically tag in when they are coming and when they are going. There is a special lane set up for that. The fact is this technology should be applied universally, not just in San Diego, not just in Mexico but also at every entry.

I ask that we continue with control of our borders, not retreat from them. Let us not retreat from our responsibilities at the border.

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding me this time.

Mr. Speaker, the role of government is to attempt to solve problems, but the intent of the government should be to solve the problems with reasonable solutions. The point here is not just whether or not we should do this. The point is coming up with a solution that works.

The section 110 that is being implemented simply will not work in Michigan. Now, I have no idea whether it would work well in San Diego or other border crossing points. But the immensity of the problem in Michigan is hard to describe unless you have been there and watched. In a major metropolitan area, we have the Ambassador Bridge with 12 million vehicles crossing per day, the Detroit-Windsor Tunnel, 9 million vehicles, and up in Port Huron, the Blue Water Bridge with 5.5 million vehicles crossing.

Now, when we talk about the amount of trade crossing that border, it exceeds $1 billion worth of goods and services crossing the border every day, counting between the U.S. and Canada. We have more trade crossing over the Ambassador Bridge in Detroit, trade between Canada and the U.S., we have more crossing there than we have with the entire nation of Japan. That gives you some idea of the immensity of the problem and why we need a special solution.

If we are trying to reach a solution for this problem, we have to have a different type of solution to fit that situation in that congested metropolitan area dealing with that much traffic and that much trade flowing over one single artery. And so the plea is that we do adopt this motion. It is absolutely essential. Because if the purpose of section 110 is to try to solve the problem, it fails. If the attempt is to create a roadblock to trade with Canada, it succeeds. We do not want that kind of success. We want a solution to the problem and something that works. Please vote for this motion to instruct.

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

First of all, the distinguished gentleman from Texas (Mr. SMITH) has indicated that this provision in the law was passed overwhelmingly in 1996. I would concede the fact that the immigration changes of 1996 were passed overwhelmingly, although I opposed the bill, but I also would argue that there were only a handful of individuals in the entire United States Congress, or the world, who were aware of section 110 in particular. It was not until months or a year later that an awareness of section 110 developed. The author may have been aware, but nobody else was voting for that 1996 law because of that specific provision.

Now, with respect to section 110, notice what it calls for, the documentation—the documentation—of all aliens entering and departing the United States. Now, we have never had such a requirement. They say, ''Oh, well, there is technology being developed.'' Technology is being developed that can read license plates and so you might be able to document vehicles entering and departing the United States through technology, but to my knowledge no technology has been developed or is on the radar screen that is going to read the name, address, phone number, et cetera of every individual within a vehicle entering or leaving the United States. That is why every single person of any expertise who has testified on this issue said it would create 2- to 3-day delays at the borders rather than 2 to 3-minute delays at the border as might now be experienced. In effect what it would do is shut down the borders. In effect what it would do, section 110, if implemented, is create a great wall. We have heard of the Berlin Wall, we have heard of the Great Wall of China. We would now have the Great Canadian Wall and the Great Mexican Wall.

With respect to the arguments of the gentleman from North Carolina (Mr. WATT), I should point out to him, it is too bad that he was not here to listen to the eloquent arguments in opposition to section 110 and in favor of the gentleman from Michigan's resolution offered by the gentleman from Texas (Mr. BONILLA) and the gentleman from Texas (Mr. ORTIZ) because this would affect Mexico at least as much as it would affect Canada, and we want to deal with the problems on both our borders.

Now, what is the problem that they intend to get at? Well, it is a shifting problem that they attempt to get at. On the one hand, it is overstays, and then maybe it is drug smuggling and then maybe it is terrorism. The fact of the matter is that this is not going to get at any of those problems. This is going to divert the resources that we have, and 99 percent of those resources will have to be spent on nonproblems when they should be spent on the real problems.

There is another problem, too: planning for the future. Every year along the border, millions and millions of dollars are being invested in infrastructure. This is true in Buffalo, New York; it is true in Niagara Falls, New York; it is true in Seattle, you name it. It is true across the entire southern border, also. How do you plan when you have this Damoclean sword over your head called section 110 that says you must document all aliens entering and departing the United States? What infrastructure do you build on your side of the border to deal with individuals departing the United States when you have no physical infrastructure right now to deal with individuals departing the United States and you certainly do not have any human resources now or prospectively in the future to deal with them?

It is unfortunate that we have to take this issue up on a motion to instruct conferees in an appropriations bill because it would be much preferable if this House of Representatives could work its will as the United States Senate has done on five separate occasions. On five separate occasions when the issue came before the United States Senate, they have voted, I believe unanimously in each and every instance, to repeal section 110, but we have not been afforded the opportunity to vote on a clear-cut repeal of section 110, and so we must resort to whatever device we possibly can. Is this the best device? Of course not. But then give us the right to vote on a clean bill repealing section 110. Let us take it up on the suspension calendar if need be. But make it be a clear, simple issue, repeal of section 110 or not. It would pass overwhelmingly. It would pass overwhelmingly. That is why it is not being allowed on the floor.

I urge everyone, should we be able to vote on this resolution, to vote for it,

to vote with the unanimous vote of the Senate, with the administration, with the perspective of the Canadians, with the perspective of the Mexicans, with the perspective of virtually every single association that has addressed the issue and with the interest of those who truly do want to spend their time, energy, resources and money in an effective fight against overstays, in an effective fight against drug smuggling and in an effective fight against terrorism.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me assure my colleagues that their fears are unfounded and simply not justified. I would turn their attention again to the specific language in the bill, that it would not be implemented and I will repeat that for emphasis once again, it will not be implemented if it would impede trade or traffic. So all these scare stories of hours of wait, all the fearmongering is really on the wrong subject because the bill would never be implemented because of the language in the bill saying it would not be if there were any diminution of trade or traffic. The experts, Mr. Speaker, tell us that such a system is workable and the experts I quoted a while ago have confirmed that.

Mr. Speaker, finally I want to point out that such a system would benefit both countries because citizens of both Canada and the United States have well-grounded fears of terrorism, illegal immigration and drug smugglers. In fact, just this week there was a poll taken in Canada that for the first time ever showed that immigration concerns, particularly in regard to illegal immigration, was now the number two priority of Canadian citizens. In that case, I think that they join American citizens in being concerned about a legitimate problem. This section 110 will in fact enable us to stop terrorists, reduce illegal immigration and reduce drug smugglers.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in opposition to the motion to instruct and simply would compliment the conferees for hopefully keeping in section 110.

We are all aware of the illegal immigration problem on our southern border, but we are also becoming increasingly aware of the problem on our northern border. We have read the stories of the boatloads of Chinese who are landing there with the hopes of crossing the Canadian border into the United States.

For those who simply say it is an illegal immigration problem, the 2 million or more of the 5 million illegally in this country are estimated to be overstays of visas that were lawfully granted to them. So overstay is a problem because they recognize that once they get here, the INS has no effective way of being sure that they leave.

To those who say that they do not like section 110, I would simply say provide us with a better alternative. The answer is not simply to abolish what is now in the law, waiting for its implementation, and that has been extended by the way, but to simply say, ''Okay, if you don't like our solution to it, give us a better one.'' Do not just simply throw up your hands and say we cannot do anything about it. The American public wants us to solve the problem.

Mr. LAFALCE. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. UPTON) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself 30 seconds. I just want to thank the gentleman from New York (Mr. LAFALCE). He has been a leader in this effort, helping to line up cosponsors in our effort to repeal this on our bill, more than 114, I believe, at this point. We certainly have appreciated his work on that side of the aisle and with our friends on this issue. We thank him for that time.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, when Congress passed section 110 in 1996, I do not believe most Members knew exactly what the effect would be. Perhaps it was necessary on the southern border. But if we allow this provision to take effect on the northern border, the delays at border crossings could be disastrous. The Immigration and Naturalization Service simply lacks the technology to carry out the requirements of section 110 without causing unmanageable congestion at the border due to the border checks.

□ 1900

Already plans are being made to develop and destroy huge and large portions of the historic Peace Arch Park in my district in order to make way for the infrastructure necessary for the implementation of section 110. Congress needs to repeal this provision as soon as possible.

Now, I understand the need to control immigration. In fact, I believe that protection of our borders ought to be one of our Government's highest priorities. But section 110, as it stands, is not the answer. It will create needless delays and provide no law enforcement in return.

Mr. Speaker, I urge the passage of this motion.

Mr. UPTON. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to this proposal.

First of all, I was a cosponsor of the Illegal Immigration Reform Act of 1996, and what we are hearing tonight is a proposal to gut that very important piece of legislation. This should be called the ''open border legislation.'' This is what this vote is all about. This vote, all the horror stories that we have heard tonight about what is going to happen if section 110 is implemented are all conjecture. This is all conjecture. It is one thing to come to the floor of the House and say, vote a certain way based on a horror story of something that's happening, some piece of legislation that's gone astray. It is another thing to come to the floor and conjecture that there is going to be some sort of problem.

Let me tell my colleagues what is going to happen if we do eliminate section 110. What is going to happen is millions of people are going to be coming into our country illegally who would not otherwise be able to come into this country. Colleagues, tell me what the horror story is. That is not conjecture. That is, if we take a look at what is going on at the border, what we can predict from what is happening to immigration in this country.

I do not know what is happening in my colleagues' States, but in California we have still have a massive flow of illegal immigration that is undermining our education system, taking our health care system apart, our criminal justice system is going down; all of these things because we have a flood of illegal immigrants coming into this country.

There is nothing wrong with strengthening our borders and trying to find a technological way of doing it so that we do not disrupt traffic, and that is what 110 says. It simply says let us develop technology so we can control the flow of illegals into our borders, but at the same time try to find a technological answer so it does not disrupt the flow of honest traffic between the countries.

What is wrong with that? I will tell my colleagues what is wrong with that. We got a bunch of people in this country for one reason or another who want to have illegals come into this country, perhaps as a profit for the low wages they can pay these people.

Let us not vote for a provision that will open our borders to every kind of illegal immigrant, whether it is from Canada or Mexico. Yes, if there are more delays at the Mexican border, all right, let us try to make it efficient at both borders, but for Pete's sake let us not open it up so that those many, many illegal aliens from China that are landing in Canada can just surge down into the United States, and that is what will result if we take 110 out. We are not going to have any hope, we are not going to have any chance of getting control of our borders because we are saying do not even try to find a technological answer to this problem.

This is an open border vote, and I would say vote against it. We want to

control illegal immigration, not encourage it.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

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

I, too, rise in opposition to this measure, and I suggest, to use an oft-quoted phrase and to paraphrase that anyway that it does seem that the supporters of this proposal doth protest too much. They bring to our attention what they believe to be the calamitous events that would occur if we actually simply began to check people when they come into this country and when they leave this country; and they suggest enormous calamities would occur as a result of that. Our economy would essentially shut down, businesses would end, there would be lines at the borders for thousands of miles.

I mean it goes on and on and on. But I really do not think that is their real problem.

I have to tell my colleagues that surely there are people who are concerned about the impact of it, but I also believe frankly what the gentleman from California (Mr. ROHRABACHER) suggested here a minute ago, and that was that there are other reasons that people are concerned about this, and that is that it would have the effect of limiting illegal immigration into the United States. That is the real issue here we are dealing with. It is not just how much problem there would be infrastructurally at the borders, Mr. Speaker. It is whether or not we are going to be able to control our own borders.

Is that not the responsibility of every country on the planet? Do we not, should we not be able to determine who comes into this country and for how long? And if the answer to that is yes, in my colleagues' hearts if it is yes, then is it not appropriate to do so in the manner in which it is described in 110? It is the least intrusive manner. It is the best we can possibly do to make sure that there is an objective way of analyzing who comes and who leaves, and it is just the opposite of the gentleman's concerns about being subjective.

This applies a technological fix to this problem. It is not just leaving it up to someone at the border to determine what they think this person looks like and whether they should be checked. This actually provides the objective determination.

So, Mr. Speaker, if my colleagues really are concerned about that, if that is truly in their hearts what they are trying to do is to make sure we provide objective analysis to people coming and going, then they must support this proposal and oppose the motion to instruct.

Mr. UPTON. Mr. Speaker, I yield myself 1 minute.

I would just like to respond to the gentleman from Colorado that in Michigan we have more traffic that crosses the Ambassador Bridge than goes to Japan in terms of exports, and in fact at the Ambassador Bridge some 24,000 vehicles cross that bridge every day, over a thousand vehicles an hour, and giving an optimistic estimate of about 2 minutes per border crossing if this system became implemented. It has been estimated that this would result in 17 hours of delay for every hour's worth of traffic. We cannot stand that, and the Midwest cannot stand that, and that is one of the reasons why we are pursuing this motion to instruct the conferees to try and repeal section 110 and allow a vote to do so.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, let me just sort of make an outreach to my colleagues along the Canadian border. I know their concern. I have business people that are concerned about the possible impacts of 110, and that is something we should work together to make sure does not cause a calamity, does not block commerce; but to retreat at this time from a commitment that we have made to the American people that this is an issue that needs to be addressed, that this country should know who is in the country and who has left the country and who has entered this country, that is not too much to ask for.

Now I know the gentleman from Michigan is worried about this adverse impact of immigration control along the border, and I ask all of us to work together in addressing the issue that right now people get jobs, get social benefits, and can vote in the United States without ever having to prove that they are legally in the country or a U.S. citizen, and in fact there is no way for a local official to be able to check on that.

Mr. Speaker, I ask for all of my colleagues along the Canadian border who are so upset about the possibility of border control to join with us at having some internal enforcement. But I am saying that our port of entry has problems. We have 45 minutes to an hour wait sometimes when it is outrageously during a weekend; but the fact is that technology is the answer in many of these situations and before, and I ask my colleagues the next time they drive to Dulles to look off to their right and see people driving through.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to conclude by reading reports that point to some of the immigration problems we have on our northern border and also point to why we need an immigration system that includes an entry-exit system.

USA Today reported on July 20 in a front page story about the northern border several recent arrests have brought home the possibility that terrorists are establishing themselves in Canada because of that government's easy-going attitude toward asylum, then slipping into the U.S.A. There has been an upswing in alien smuggling and drug crimes. Also the INS has testified that as southwest border enforcement continues to stiffen and the price charged for smuggling escalates, many choose the alternative of illegally entering the United States from Canada. Entry controls will make alien and drug smuggling along our northern border much more difficult.

On May 21, 1999, the Detroit News reported the growing problem of illegal immigrants flying to Toronto and then crossing the border into Michigan. A 1998 report from the National Drug Intelligence Center, quote, ''warned that marijuana exports from Canada to the U.S. were becoming a significant problem and the drug smugglers in the U.S. are exchanging British Columbian marijuana pound for pound for cocaine. U.S. officials believe that the vast majority of drug smugglers make their way into the United States without detection.'' ''If we are getting 1 to 2 percent at the border, we are being lucky, said Tom Kelly, who worked as a resident in charge of the U.S. Drug Enforcement Agency in Blaine, Washington.

And on June 8, 1998, the United Press International reported that a joint investigation between U.S. and Canadian law enforcement officials culminated in the seizure of $3.7 million worth of drugs. And finally on August 14, the Toronto Globe and Mail reported that the United States is considering placing Canada on the illicit drug black list because, quote, ''Canada has assumed a major role in the global trade and illicit drugs, and substantial amounts of marijuana and heroin are being smuggled into the United States via Canada.''

Mr. Speaker, I also could go on for a long time on examples of over-stayers and terrorists, but let me very briefly say that two of the aliens convicted in the World Trade Center bombing overstayed their non-immigrant visas. Those convicted in the CIA employee killing have done the same thing. Several terrorists entered the United States without inspection coming across the Canadian border, for example, the individual who was later arrested in New York City for planning to bomb the city subway system and so forth.

In fact, the Justice Department's Office of Inspector General concluded that his easy entry into Canada and his ability to remain in Canada despite at least two criminal convictions and repeated attempts to enter the United States illegally highlight the difficulty in controlling illegal immigration into the United States.

So, Mr. Speaker, I think we have agreement on two subjects tonight. One is that we want to stop illegal immigration, reduce drug smuggling, and stop terrorists. The other is that we do not want to do anything to impede trade or traffic with our neighbor to

the north, Canada, and that is exactly why last year under suspension I inserted language in the bill to make sure that we would not impede trade or traffic.

So all this fear, all these straw men, all these red herrings, everything else about that we are going to delay entry into the United States from Canada is simply no factual basis simply because we have language to protect against that. Again, the debate is not about trade. We all agree that we need trade with Canada. The debate is about how best to reduce illegal immigration, drug smuggling and terrorists; and we have expert testimony saying that we have just the proper system to do that.

Finally, I want to make the point that when we talk about illegal immigration, we are never going to be able to get a handle on almost half the problem of illegal immigration, visa over-stayers, unless we have an entry-exit system. We are never going to have a workable visa waiver system unless we have such an entry-exit system, and we are never going to be able to have a guest worker program unless we have an entry-exit system.

So let us not be fearful. Let us look for ways to implement a system that is not going to impede trade or traffic and that will benefit both countries.

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

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this motion.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself as much time as I may consume.

I would also like to ask my friend for sure, the gentleman from Texas (Mr. SMITH), that I would love to add his name as a cosponsor of our bill because in fact what it does is that it replaces section 110 with a feasibility study, and when and if a feasibility study could be proven that would work, we will be glad to take a look at it, but until then this section 110 will shut down traffic, particularly in the border that I know best, the Canadian-U.S. border. And as I have been a member of the U.S.-Canadian Interparliamentary Group the last number of years, the gentleman from New York (Mr. HOUGHTON), my colleague who spoke in favor of my motion earlier tonight, the gentleman from New York (Mr. LAFALCE), a number of other Members, this is the number one issue. We know, our two countries know, that we cannot exist as we do today with the trade opportunities that both countries are having and have this section 110 come into place.

□ 1915

Therefore, it needs to be refined in a major way, and that is why we are suggesting it be repealed.

I would also thank my Senator, SPENCER ABRAHAM, the leader of this effort in the Senate. He has done a terrific job in making sure that that is passed, as my colleague from New York indicated, five times, I believe, by unanimous vote. My governor, John Engler, has led the effort of the National Governors Association in drafting this strong letter in support of what we are trying to do tonight and has certainly helped the U.S. Chamber of Commerce and the National Association of Manufacturers and lots of groups around the country that are very interested in this.

At the end of the day here, we are going to be denied a vote on a procedural effort and that is sad, because I do believe that we could win on this issue had we been allowed to have a vote of the full House on this issue that would certainly be bipartisan. Though they have been able to have the vote in the Senate, we have not been able to have the vote in the House. Unless by some chance, as I look to my friend from Kentucky, they do not file today or tomorrow; we would love to have this vote. We have alerted the leadership that this cannot stand, that this has to be resolved, that we need a vote to repeal this. Again, I think our side can win.

I would ask my colleagues to join me in instructing the conferees before they report this bill out to join with us in repealing section 110 and receding to the Senate.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of the Motion to Instruct Conferees which seeks to include the Senate language of the Commerce Justice, State and Judiciary Appropriations Act of 1999 that would end exit controls at land borders and seaports. This provision of controls, known as Section 110 of the Illegal Immigration Reform and Immigration Act of 1996, would likely place an undue burden on trade at our nations' borders. For South Texas, which has emerged as the premier gateway to trade not only to Mexico, but also to the Americas, this extra step of gathering data and inspecting records could hamper needed growth and economic development without providing a commensurate level of security or law enforcement value.

The stated goals of Section 110 are to increase immigration enforcement and security through better record keeping. While advocating what appears to be a worthy system, policy makers failed to provide us the resources we would need to implement this new law. To implement this law properly would require an immigration data base for comparing records; technology for rapid implementation of the law; and new facilities for inspection of out bound traffic. None of these currently exist. The result: without these new resources, we are left with unprecedented gridlock at Texas border crossings, disrupting trade, commerce, tourism, and other legitimate cross-border traffic.

Although Section 110 was supposed to be put in place on September 30, 1998, the Immigration and Naturalization Services (INS) put off implementing the new system for land and sea ports because it recognized it did not have the resources to do it. They have now set a new target date for March 2001, but I doubt they will be able to start by then either. The task is too enormous.

We need to step back and examine our priorities. First, we must check people and goods seeking to enter the United States. We do not have adequate resources now to check who comes in, let alone who goes out. Let's address this priority before creating new, unworkable requirements. Second, we need to work toward a seamless border that fosters international trade. We need to provide the US Customs Service with more and better high tech equipment and increase the number of Customs agents.

I recently testified before the Ways & Means Trade Subcommittee, urging them to give Customs the resources it needs to address these priorities. To help solve the Section 110 problem, I joined on a bill that would give the INS two more years before starting the outbound checks at airports, eliminate the requirement for land and sea ports, and require the Attorney General to study what it would really cost to implement this new system.

Beyond the rhetoric, Section 110 would cost us too much at a time when other high priority needs are unmet. Let's solve one problem before creating another. We need to get back on track before we become our own trade and economic growth enemy.

Mr. BONIOR. Mr. Speaker, when Congress passed the immigration reform bill in 1996, no one in this body thought they were voting for a bill that would tie up our borders with Mexico and Canada.

But that's exactly what happened.

Section 110 of the bill was interpreted as requiring Canadian and Mexican citizens to obtain entry and exit documents when traveling to the United States—even though the authors of the bill acknowledged that was not its purpose.

For communities at the border, Section 110 of the immigration bill is a disaster waiting to happen: clogged bridges, tunnels and roads, impacting commerce and tourism.

I know that at the Blue Water Bridge at Port Huron in Michigan, delays can already lead to hours waiting in line at our border with Canada. But improvements are being made to relieve the congestion.

All the efforts that have been made to improve our borders will be for naught if the visa requirement is implemented.

We don't need an onerous, unnecessary requirement that will further congest our borders.

That's why we should repeal Section 110.

The Senate version of the Commerce Justice State bill does just that. It should be included in the conference report.

Tourism, trade, and border communities will be devastated if Section 110 is not repealed. This is our chance to make it right.

We can patrol our border effectively if we give the INS and Customs Service the resources they need to do their jobs well. But Section 110 will not help.

Let's use the opportunity we have today to correct this major flaw. Support the Motion to Instruct.

Mr. QUINN. Mr. Speaker, I thank the gentleman from Michigan, Mr. UPTON, for yielding me the time, and I rise in strong support of this motion to instruct conferees. Section 110 of the 1996 Immigration Reform Act mandated the implementation of an entry-exit control system at our land borders. While this sounds

like a good idea in theory, I believe that this provision was inserted with little or no examination of the possible consequences. This year the Senate included common sense language that would repeal section 110 in its version of the fiscal year 2000 Commerce, Justice State Appropriations bill. This motion would instruct the House conferees to accept the Senate language.

I am very concerned that section 110, if implemented, would cause massive delays and gridlock at the US-Canadian border, causing massive disruptions of tourism, commerce and traffic in Western New York and throughout the United States. Some studies have shown that implementation of section 110 would cause such massive delays that border crossings would be reduced by 50 percent or more. Border delays of an hour could be increased to upwards of 17 hours. Ladies and gentleman, I submit to you this would have a devastating impact on the US economy, as Canada is our largest trading partner.

While I am sensitive to the concerns of the proponents of section 110, who believe that this provision is necessary to stem the tide of illegal immigrants and illegal drugs into the United States, I do not believe that section 100 would be a solution to either of these problems.

Section 110 would have serious adverse impact on the United States economy and specifically, the economy of the Western New York and Northern border regions. I urge my colleagues to support this motion which is vital to the well-being of my congressional district.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion to instruct offered by the gentleman from Michigan (Mr. UPTON).

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

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed to a time later designated by the Speaker.

## CONFERENCE REPORT ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. ROGERS submitted the following conference report and statement on the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–398)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2670) ''making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, 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 fiscal year ending September 30, 2000, and for other purposes, namely:*

### *TITLE I—DEPARTMENT OF JUSTICE*

#### *GENERAL ADMINISTRATION*

*SALARIES AND EXPENSES*

*For expenses necessary for the administration of the Department of Justice, $79,328,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1999: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the aforementioned proviso: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.*

*JOINT AUTOMATED BOOKING SYSTEM*

*For expenses necessary for the nationwide deployment of a Joint Automated Booking System, $1,800,000, to remain available until expended.*

*NARROWBAND COMMUNICATIONS*

*For the costs of conversion to narrowband communications as mandated by section 104 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 903(d)(1)), $10,625,000, to remain available until expended.*

*COUNTERTERRORISM FUND*

*For necessary expenses, as determined by the Attorney General, $10,000,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: Provided, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: Provided further, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.*

*TELECOMMUNICATIONS CARRIER COMPLIANCE FUND*

*For payments authorized by section 109 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1008), $15,000,000, to remain available until expended.*

*ADMINISTRATIVE REVIEW AND APPEALS*

*For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $98,136,000.*

*In addition, $50,363,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.*

*OFFICE OF INSPECTOR GENERAL*

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $40,275,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: Provided, That not less than $40,000 shall be transferred to and administered by the Department of Justice Wireless Management Office for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems.*

*UNITED STATES PAROLE COMMISSION*

*SALARIES AND EXPENSES*

*For necessary expenses of the United States Parole Commission as authorized by law, $7,380,000.*

#### *LEGAL ACTIVITIES*

*SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

*For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $346,381,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $36,666,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through ''Salaries and Expenses'', General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.*

*In addition, $147,929,000, to be derived from the Violent Crime Reduction Trust Fund, to remain available until expended for such purposes.*

*In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.*

*SALARIES AND EXPENSES, ANTITRUST DIVISION*

*For expenses necessary for the enforcement of antitrust and kindred laws, $81,850,000: Provided, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $81,850,000 of offsetting collections derived from fees collected in fiscal year 2000 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting*

*collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0.*

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

*For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,161,957,000; of which not to exceed $2,500,000 shall be available until September 30, 2001, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That not to exceed $1,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,120 positions and 9,398 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.*

UNITED STATES TRUSTEE SYSTEM FUND

*For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $112,775,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $112,775,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the Fund estimated at $0: Provided further, That 28 U.S.C. 589a is amended by striking ''and'' in subsection (b)(7); by striking the period in subsection (b)(8) and inserting in lieu thereof ''; and''; and by adding a new paragraph as follows: ''(9) interest earned on Fund investment.''.*

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

*For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,175,000.*

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

*For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $333,745,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended; and of which not less than $2,762,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office.*

*In addition, $209,620,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.*

CONSTRUCTION

*For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $6,000,000, to remain available until expended.*

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

*Beginning in fiscal year 2000 and thereafter, payment shall be made from the Justice Prisoner and Alien Transportation System Fund for necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: Provided, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: Provided further, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: Provided further, That amounts in the Fund shall be available without fiscal year limitation, and may be used for operating equipment lease agreements that do not exceed 5 years.*

FEDERAL PRISONER DETENTION

*For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $525,000,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.*

FEES AND EXPENSES OF WITNESSES

*For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $95,000,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; and of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses.*

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

*For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $7,199,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

ASSETS FORFEITURE FUND

*For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.*

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

*For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.*

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

*For payments to the Radiation Exposure Compensation Trust Fund, $3,200,000.*

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

*For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $316,792,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.*

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

*For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,236 passenger motor vehicles, of which 1,142 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,337,015,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2001; of which not less than $292,473,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which not less than $50,000,000 shall be for the costs of conversion to narrowband communications, and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office: Provided further, That not to exceed $45,000 shall be available for official*

*reception and representation expenses: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which 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.*

*In addition, $752,853,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund, as authorized by the Violent Crime Control and Law Enforcement Act of 1994, as amended, and the Antiterrorism and Effective Death Penalty Act of 1996.*

*CONSTRUCTION*

*For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects, $1,287,000, to remain available until expended.*

*DRUG ENFORCEMENT ADMINISTRATION*

*SALARIES AND EXPENSES*

*For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,358 passenger motor vehicles, of which 1,079 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $933,000,000, of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2001; of which not to exceed $50,000 shall be available for official reception and representation expenses; and of which not less than $20,733,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office.*

*In addition, $343,250,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.*

*CONSTRUCTION*

*For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects, $5,500,000, to remain available until expended.*

*IMMIGRATION AND NATURALIZATION SERVICE*

*SALARIES AND EXPENSES*

*For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:*

*ENFORCEMENT AND BORDER AFFAIRS*

*For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,075 passenger motor vehicles, of which 2,266 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, $1,107,429,000; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens; and of which not less than $18,510,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office: Provided further, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2000: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.*

*CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION*

*For all programs of the Immigration and Naturalization Service not included under the heading ''Enforcement and Border Affairs'', $535,011,000, of which not to exceed $400,000 for research shall remain available until expended: Provided, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That the Attorney General may transfer any funds appropriated under this heading and the heading ''Enforcement and Border Affairs'' between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriation Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading ''Enforcement and Border Affairs'' for performance of the functions for which the fees legally may be expended: Provided further, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and $4,150,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed 4 permanent positions and 4 full-time equivalent workyears: Provided further, That none of the funds available to the Immigration and Naturalization Service shall be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2000: Provided further, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police type use within the limits of the Enforcement and Border Affairs appropriation: Provided further, That, notwithstanding any other provision of law, during fiscal year 2000, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.*

*VIOLENT CRIME REDUCTION PROGRAMS*

*In addition, $1,267,225,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund: Provided, That the Attorney General may use the transfer authority provided under the heading ''Citizenship and Benefits, Immigration Support and Program Direction'' to provide funds to any program of the Immigration and Naturalization Service that heretofore has been funded by the Violent Crime Reduction Trust Fund.*

*CONSTRUCTION*

*For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $99,664,000, to remain available until expended: Provided, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.*

*FEDERAL PRISON SYSTEM*

*SALARIES AND EXPENSES*

*For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 708, of which 602 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $3,089,110,000; of which not less than $500,000 shall be transferred to and administered by the Department of Justice Wireless Management Office for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 shall remain available for necessary operations until September 30, 2001: Provided further, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by*

*section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That, notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.*

*In addition, $22,524,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.*

*BUILDINGS AND FACILITIES*

*For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $556,791,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this Act or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.*

*FEDERAL PRISON INDUSTRIES, INCORPORATED*

*The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.*

*LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED*

*Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.*

*OFFICE OF JUSTICE PROGRAMS*

*JUSTICE ASSISTANCE*

*For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $155,611,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).*

*In addition, for grants, cooperative agreements, and other assistance authorized by sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996, $152,000,000, to remain available until expended.*

*STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

*For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''), $1,764,500,000 to remain available until expended; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a ''unit of local government'' as well as a ''State'', for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That $50,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: Provided further, That $20,000,000 shall be available to carry out section 102(2) of H.R. 728; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended of which $686,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, of which $25,000,000 shall be available for the Cooperative Agreement Program, and of which $34,000,000 shall be reserved by the Attorney General for fiscal year 2000 under section 20109(a) of subtitle A of title II of the 1994 Act; of which $130,000,000 shall be available to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $35,000,000 is for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993, of which $15,000,000 is for the National Institute of Justice to develop school safety technologies, and of which $30,000,000 shall be for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, as well as for improvements to the State and local forensic laboratory general forensic science capabilities and to reduce their DNA convicted offender database sample backlog; and of which $5,000,000 shall be for the Tribal Courts Initiative.*

*VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

*For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the ''Justice Assistance'' account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''), $1,194,450,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $552,000,000 shall be for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the 1968 Act, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $52,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $10,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $206,750,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $28,000,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence: Provided, That, of these funds, $5,200,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women, $1,196,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court, $10,000,000 which shall be used exclusively for violence on college campuses, and $10,000,000 shall be available to the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended; of which $34,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $5,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $1,300,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,500,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which $250,000,000 shall be for Juvenile Accountability Incentive Block Grants, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 2000: Provided further, That funds made available in fiscal year 2000 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.*

*WEED AND SEED PROGRAM FUND*

*For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed''*

*program activities, $33,500,000, to remain available until expended, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.*

*COMMUNITY ORIENTED POLICING SERVICES*

*For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs), $325,000,000, to remain available until expended, including $45,000,000 which shall be derived from the Violent Crime Reduction Trust Fund; of which $289,325,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which $180,000,000 shall be available for school resource officers; and of which $35,675,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug ''hot spots'': Provided, That of the amount provided for Public Safety and Community Policing Grants, not to exceed $17,325,000 shall be expended for program management and administration: Provided further, That of the unobligated balances available in this program, $210,000,000 shall be used for innovative community policing programs, of which $100,000,000 shall be used for a law enforcement technology program, $25,000,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), as amended, $30,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, $40,000,000 shall be available to improve tribal law enforcement including equipment and training, and $15,000,000 shall be used to combat violence in schools.*

*JUVENILE JUSTICE PROGRAMS*

*For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (''the Act''), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $269,097,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $6,847,000 shall be available for expenses authorized by part A of title II of the Act, $89,000,000 shall be available for expenses authorized by part B of title II of the Act, and $42,750,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $13,500,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; (5) $95,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,500,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $25,000,000 shall be available for grants of $360,000 to each state and $6,640,000 shall be available for discretionary grants to states, for programs and activities to enforce state laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and of which $15,000,000 shall be available for the Safe Schools Initiative: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.*

*In addition, for grants, contracts, cooperative agreements, and other assistance, $11,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.*

*In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of the Act.*

*PUBLIC SAFETY OFFICERS BENEFITS*

*To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340).*

*GENERAL PROVISIONS—DEPARTMENT OF JUSTICE*

*SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.*

*SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132; 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.*

*SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.*

*SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.*

*SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.*

*SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.*

*SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.*

*SEC. 108. (a) Notwithstanding any other provision of law, for fiscal year 2000, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice—*

*(1) may make grants, or enter into cooperative agreements and contracts, for the Office of Justice Programs and the component organizations of that Office; and*

*(2) shall have final authority over all grants, cooperative agreements and contracts made, or entered into, for the Office of Justice Programs and the component organizations of that Office, except for grants made under the provisions of sections 201, 202, 301, and 302 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; and sections 204(b)(3), 241(e)(1), 243(a)(1), 243(a)(14) and 287A(3) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.*

*(b) Notwithstanding any other provision of law, all functions of the Director of the Bureau of Justice Assistance, other than those enumerated in the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. 3742 (3) through (6), are transferred to the Assistant Attorney General for the Office of Justice Programs.*

*SEC. 109. Sections 115 and 127 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277) shall apply to fiscal year 2000 and thereafter.*

*SEC. 110. Hereafter, for payments of judgments against the United States and compromise settlements of claims in suits against the United States arising from the Financial Institutions Reform, Recovery and Enforcement Act and its implementation, such sums as may be necessary, to remain available until expended: Provided, That the foregoing authority is available solely for payment of judgments and compromise settlements: Provided further, That payment of litigation expenses is available under existing authority and will continue to be made available as set forth in the Memorandum of Understanding between the Federal Deposit Insurance Corporation and the Department of Justice, dated October 2, 1998.*

*SEC. 111. Section 507 of title 28, United States Code, is amended by adding a new subsection (c) as follows:*

*''(c) Notwithstanding the provisions of title 31, section 901, the Assistant Attorney General for Administration shall be the Chief Financial Officer of the Department of Justice.''.*

*SEC. 112. Section 3024 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31) shall apply for fiscal year 2000.*

*SEC. 113. Effective 30 days after enactment of this Act, section 1930(a)(1) of title 28, United States Code, is amended in paragraph (1) by striking ''$130'' and inserting in lieu thereof ''$155''; section 589a of title 28, United States Code, is amended in subsection (b)(1) by striking ''23.08 percent'' and inserting in lieu thereof ''27.42 percent''; and section 406(b) of Public Law 101–162 (103 Stat. 1016), as amended (28 U.S.C. 1931 note), is further amended by striking ''30.76 percent'' and inserting in lieu thereof ''33.87 percent''.*

*SEC. 114. Section 4006 of title 18, United States Code, is amended—*

*(1) by striking ''The Attorney General'' and inserting the following: ''(a) IN GENERAL.—The Attorney General''; and*

*(2) by adding at the end the following:*

*''(b) HEALTH CARE ITEMS AND SERVICES.—*

*''(1) IN GENERAL.—Payment for costs incurred for the provision of health care items and services for individuals in the custody of the United States Marshals Service and the Immigration and Naturalization Service shall not exceed the lesser of the amount that would be paid for the provision of similar health care items and services under—*

*''(A) the medicare program under title XVIII of the Social Security Act; or*

*''(B) the medicaid program under title XIX of such Act of the State in which the services were provided.*

*''(2) FULL AND FINAL PAYMENT.—Any payment for a health care item or service made pursuant to this subsection, shall be deemed to be full and final payment.''.*

*SEC. 115. (a) None of the funds made available by this or any other Act may be used to pay premium pay under title 5, United States Code, sections 5542 to 5549, to any individual employed as an attorney, including an Assistant United States Attorney, in the U.S. Department of Justice for any work performed on or after the date of enactment of this Act.*

*(b) Notwithstanding any other provision of law, neither the United States nor any individual or entity acting on its behalf shall be liable for premium pay under title 5, United States Code, sections 5542 to 5549, for any work performed on or after the date of enactment of this Act by any individual employed as an attorney in the Department of Justice, including an Assistant United States Attorney.*

*SEC. 116. Section 113 of the Department of Justice Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277), as amended by section 3028 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31), is further amended by striking the first comma and inserting ''for fiscal year 2000 and hereafter,''.*

*SEC. 117. Section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)) is amended to read as follows:*

*''(B)(i) Subject to clause (ii), the Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.*

*''(ii)(I) The Attorney General shall grant a national interest waiver pursuant to clause (i) on behalf of any alien physician with respect to whom a petition for preference classification has been filed under subparagraph (A) if—*

*''(aa) the alien physician agrees to work full time as a physician in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs; and*

*''(bb) a Federal agency or a department of public health in any State has previously determined that the alien physician's work in such an area or at such facility was in the public interest.*

*''(II) No permanent resident visa may be issued to an alien physician described in subclause (I) by the Secretary of State under section 204(b), and the Attorney General may not adjust the status of such an alien physician from that of a nonimmigrant alien to that of a permanent resident alien under section 245, until such time as the alien has worked full time as a physician for an aggregate of five years (not including the time served in the status of an alien described in section 101(a)(15)(J)), in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs.*

*''(III) Nothing in this subparagraph may be construed to prevent the filing of a petition with the Attorney General for classification under section 204(a), or the filing of an application for adjustment of status under section 245, by an alien physician described in subclause (I) prior to the date by which such alien physician has completed the service described in subclause (II).*

*''(IV) The requirements of this subsection do not affect waivers on behalf of alien physicians approved under section 203(b)(2)(B) before the enactment date of this subsection. In the case of a physician for whom an application for a waiver was filed under section 203(b)(2)(B) prior to November 1, 1998, the Attorney General shall grant a national interest waiver pursuant to section 203(b)(2)(B) except that the alien is required to have worked full time as a physician for an aggregate of three years (not including time served in the status of an alien described in section 101(a)(15)(J)) before a visa can be issued to the alien under section 204(b) or the status of the alien is adjusted to permanent resident under section 245.''.*

*SEC. 118. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953 (8 U.S.C. 1356(q)(1)(A)), as amended, is further amended—*

*(1) by deleting clause (ii);*

*(2) by renumbering clause (iii) as (ii); and*

*(3) by striking '', until September 30, 2000,'' in clause (iv) and renumbering that clause as (iii).*

*SEC. 119. Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended—*

*(a) by striking paragraph (5);*

*(b) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and*

*(c) by adding a new paragraph (3), as follows:*

*''(3) Of the sums remaining in the Fund in any particular fiscal year after compliance with paragraph (2), such sums as may be necessary shall be available for the United States Attorneys Offices to improve services for the benefit of crime victims in the federal criminal justice system.''.*

*SEC. 120. Public Law 103–322, the Violent Crime Control and Law Enforcement Act of 1994, Subtitle C, Section 210304, Index to Facilitate Law Enforcement Exchange of DNA Identification Information (42 U.S.C. 14132), is amended as follows:*

*(1) in subsection (a)(2), by striking the word ''and'';*

*(2) in subsection (a)(3), by replacing ''.'' with ''; and'' after the word ''remains''; and*

*(3) by inserting new subsection (a)(4) as follows:*

*''(4) analyses of DNA samples voluntarily contributed from relatives of missing persons.''.*

*SEC. 121. (a) Subsection (b)(1) of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by inserting after ''such facts or circumstances'' the following: ''to the Cyber Tip Line at the National Center for Missing and Exploited Children, which shall forward that report''.*

*(b) Subsection (b)(2) of that section is amended by striking ''made'' and inserting ''forwarded''.*

*This title may be cited as the ''Department of Justice Appropriations Act, 2000''.*

## *TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES*

### *TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES*

#### *OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE*

##### *SALARIES AND EXPENSES*

*For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $25,635,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.*

#### *INTERNATIONAL TRADE COMMISSION*

##### *SALARIES AND EXPENSES*

*For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $44,495,000, to remain available until expended.*

### *DEPARTMENT OF COMMERCE*

#### *INTERNATIONAL TRADE ADMINISTRATION*

##### *OPERATIONS AND ADMINISTRATION*

*For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment, $308,503,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That of the $313,503,000 provided for in direct obligations (of which $308,503,000 is appropriated from the General Fund, $3,000,000 is derived from fee collections, and $2,000,000 is derived from unobligated balances and*

*deobligations from prior years), $62,376,000 shall be for Trade Development, $19,755,000 shall be for Market Access and Compliance, $32,473,000 shall be for the Import Administration, $186,693,000 shall be for the United States and Foreign Commercial Service, and $12,206,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.*

*EXPORT ADMINISTRATION*

*OPERATIONS AND ADMINISTRATION*

*For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $54,038,000, to remain available until expended, of which $1,877,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of such proposed action.*

*ECONOMIC DEVELOPMENT ADMINISTRATION*

*ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

*For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $361,879,000 to be made available until expended.*

*SALARIES AND EXPENSES*

*For necessary expenses of administering the economic development assistance programs as provided for by law, $26,500,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.*

*MINORITY BUSINESS DEVELOPMENT AGENCY*

*MINORITY BUSINESS DEVELOPMENT*

*For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $27,314,000.*

*ECONOMIC AND INFORMATION INFRASTRUCTURE*

*ECONOMIC AND STATISTICAL ANALYSIS*

*SALARIES AND EXPENSES*

*For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $49,499,000, to remain available until September 30, 2001.*

*BUREAU OF THE CENSUS*

*SALARIES AND EXPENSES*

*For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $140,000,000.*

*PERIODIC CENSUSES AND PROGRAMS*

*For necessary expenses to conduct the decennial census, $4,476,253,000 to remain available until expended: of which $20,240,000 is for Program Development and Management; of which $194,623,000 is for Data Content and Products; of which $3,449,952,000 is for Field Data Collection and Support Systems; of which $43,663,000 is for Address List Development; of which $477,379,000 is for Automated Data Processing and Telecommunications Support; of which $15,988,000 is for Testing and Evaluation; of which $71,416,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; of which $199,492,000 is for Marketing, Communications and Partnerships activities; and of which $3,500,000 is for the Census Monitoring Board, as authorized by section 210 of Public Law 105–119: Provided, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $142,320,000, to remain available until expended.*

*NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION*

*SALARIES AND EXPENSES*

*For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $10,975,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.*

*PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION*

*For grants authorized by section 392 of the Communications Act of 1934, as amended, $26,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,800,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: Provided further, That, hereafter, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Telecommunications Facilities, Planning and Construction funds.*

*INFORMATION INFRASTRUCTURE GRANTS*

*For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.*

*PATENT AND TRADEMARK OFFICE*

*SALARIES AND EXPENSES*

*For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $755,000,000, to remain available until expended: Provided, That of this amount, $755,000,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at $0: Provided further, That, during fiscal year 2000, should the total amount of offsetting fee collections be less than $755,000,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any amount received in excess of $755,000,000 in fiscal year 2000 shall remain available until expended: Provided further, That of the amount in excess of $755,000,000 referred to in the previous proviso, $229,000,000 shall not be available for obligation until October 1, 2000: Provided further, That not*

*to exceed $116,000,000 from fees collected in fiscal year 1999 shall be made available for obligation in fiscal year 2000.*

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

*For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,972,000.*

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

*For necessary expenses of the National Institute of Standards and Technology, $283,132,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the ''Working Capital Fund''.*

INDUSTRIAL TECHNOLOGY SERVICES

*For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $104,836,000, to remain available until expended.*

*In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $142,600,000, to remain available until expended, of which not to exceed $50,700,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the ''Working Capital Fund''.*

CONSTRUCTION OF RESEARCH FACILITIES

*For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $108,414,000, to remain available until expended: Provided, That of the amounts provided under this heading, $84,916,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.*

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

*For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, $1,658,189,000, to remain available until expended: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $68,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That not to exceed $31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Under Secretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: Provided further, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 33 personnel: Provided further, That no general administrative charge shall be applied against any assigned activity included in this Act and, further, that any direct administrative expenses applied against assigned activities shall be limited to five percent of the funds provided for that assigned activity: Provided further, That of the amount made available under this heading for the National Marine Fisheries Services Pacific Salmon Treaty Program, $5,000,000 is appropriated for a Southern Boundary and Transboundary Rivers Restoration Fund, subject to express authorization.*

*In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.*

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

*For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $589,067,000, to remain available until expended: Provided, That unexpended balances of amounts previously made available in the ''Operations, Research, and Facilities'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.*

PACIFIC COASTAL SALMON RECOVERY

*For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, $50,000,000.*

COASTAL ZONE MANAGEMENT FUND

*Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.*

PROMOTE AND DEVELOP FISHERY PRODUCTS AND RESEARCH PERTAINING TO AMERICAN FISHERIES

FISHERIES PROMOTIONAL FUND

(RESCISSION)

*All unobligated balances available in the Fisheries Promotional Fund are rescinded: Provided, That all obligated balances are transferred to the ''Operations, Research, and Facilities'' account.*

FISHERMEN'S CONTINGENCY FUND

*For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.*

FOREIGN FISHING OBSERVER FUND

*For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.*

FISHERIES FINANCE PROGRAM ACCOUNT

*For the cost of direct loans, $338,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.*

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

*For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $31,500,000.*

OFFICE OF INSPECTOR GENERAL

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $20,000,000.*

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

*SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.*

*SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).*

*SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.*

*SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.*

*SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

*SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.*

*(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section*

*is provided in addition to authorities included under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

*SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

*SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).*

*SEC. 209. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2000 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 2000 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.*

*SEC. 210. Section 302(a)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(A)) is amended—*

*(1) by striking ''17'' and inserting ''18''; and*

*(2) by striking ''11'' and inserting ''12''.*

*SEC. 211. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the ''National Institute of Standards and Technology, Construction of Research Facilities'', $2,000,000 is appropriated to the Institute at Saint Anselm College, $700,000 is appropriated to the New Hampshire State Library, and $9,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina.*

*This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2000''.*

## *TITLE III—THE JUDICIARY*

### *SUPREME COURT OF THE UNITED STATES*

#### *SALARIES AND EXPENSES*

*For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $35,492,000.*

#### *CARE OF THE BUILDING AND GROUNDS*

*For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $8,002,000, of which $5,101,000 shall remain available until expended.*

### *UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT*

#### *SALARIES AND EXPENSES*

*For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $16,797,000.*

### *UNITED STATES COURT OF INTERNATIONAL TRADE*

#### *SALARIES AND EXPENSES*

*For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,957,000.*

### *COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES*

#### *SALARIES AND EXPENSES*

*For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,958,138,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.*

*In addition, for activities of the Federal Judiciary as authorized by law, $156,539,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.*

*In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,515,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.*

#### *DEFENDER SERVICES*

*For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $358,848,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).*

*In addition, for activities of the Federal Judiciary as authorized by law, $26,247,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 19001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.*

#### *FEES OF JURORS AND COMMISSIONERS*

*For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $60,918,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.*

#### *COURT SECURITY*

*For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $193,028,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.*

### *ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS*

#### *SALARIES AND EXPENSES*

*For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $55,000,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.*

### *FEDERAL JUDICIAL CENTER*

#### *SALARIES AND EXPENSES*

*For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $18,000,000; of which $1,800,000 shall remain available through September 30, 2001, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.*

### *JUDICIAL RETIREMENT FUNDS*

#### *PAYMENT TO JUDICIARY TRUST FUNDS*

*For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o),*

*$29,500,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,000,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,200,000.*

*UNITED STATES SENTENCING COMMISSION*

*SALARIES AND EXPENSES*

*For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.*

*GENERAL PROVISIONS—THE JUDICIARY*

*SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.*

*SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

*SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.*

*SEC. 304. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2000, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $9,611,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.*

*SEC. 305. Section 604(a)(5) of title 28, United States Code, is amended by adding before the semicolon at the end thereof the following: '', and, notwithstanding any other provision of law, pay on behalf of justices and judges of the United States appointed to hold office during good behavior, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States''.*

*SEC. 306. The second paragraph of section 112(c) of title 28, United States Code, is amended to read ''Court for the Eastern District shall be held at Brooklyn, Hauppauge, Hempstead (including the village of Uniondale), and Central Islip.''.*

*SEC. 307. Pursuant to the requirements of section 156(d) of title 28, United States Code, Congress hereby approves the consolidation of the Office of the Bankruptcy Clerk with the Office of the District Clerk of Court in the Southern District of West Virginia.*

*SEC. 308. (a) IN GENERAL.—Section 3006A(d)(4)(D)(vi) of title 18, United States Code, is amended by adding after the word ''require'' the following: '', except that the amount of the fees shall not be considered a reason justifying any limited disclosure under section 3006A(d)(4) of title 18, United States Code''.*

*(b) EFFECTIVE DATE.—This section shall apply to all disclosures made under section 3006A(d) of title 18, United States Code, related to any criminal trial or appeal involving a sentence of death where the underlying alleged criminal conduct took place on or after April 19, 1995.*

*SEC. 309. (a) The President shall appoint, by and with the advice and consent of the Senate—*

*(1) three additional district judges for the district of Arizona;*

*(2) four additional district judges for the middle district of Florida; and*

*(3) two additional district judges for the district of Nevada.*

*(b) In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—*

*(1) the item relating to Arizona in such table is amended to read as follows:*

*''Arizona ..... 11'';*

*(2) the item relating to Florida in such table is amended to read as follows:*

*''Florida:*
*Northern ..... 4*
*Middle ..... 15*
*Southern ..... 16'';*

*and*

*(3) the item relating to Nevada in such table is amended to read as follows:*

*''Nevada ..... 6''.*

*(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.*

*This title may be cited as ''The Judiciary Appropriations Act, 2000''.*

*TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY*

*DEPARTMENT OF STATE*

*ADMINISTRATION OF FOREIGN AFFAIRS*

*DIPLOMATIC AND CONSULAR PROGRAMS*

*For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the United States Information and Educational Exchange Act of 1948, as amended, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act; expenses authorized by section 9 of the Act of August 31, 1964, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmanent activities as authorized by the Arms Control and Disarmament Act of September 26, 1961, as amended; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $2,522,825,000: Provided, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That, in fiscal year 2000, all receipts collected from individuals for assistance in the preparation and filing of an affidavit of support pursuant to section 213A of the Immigration and Nationality Act shall be deposited into this account as an offsetting collection and shall remain available until expended: Provided further, That of the amount made available under this heading, $236,291,000 shall be available only for public diplomacy international information programs: Provided further, That of the amount made available under this heading, $500,000 shall be available only for the National Law Center for Inter-American Free Trade: Provided further, That of the amount made available under this heading, $2,500,000 shall be available only for overseas continuing language education: Provided further, That of the amount made available under this heading, not to exceed $1,162,000 shall be available for transfer to the Presidential Advisory Commission on Holocaust Assets in the United States: Provided further, That any amount transferred pursuant to the previous proviso shall not result in a total amount transferred to the Commission from all Federal sources that exceeds the authorized amount: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, fees may be collected during fiscal years 2000 and 2001, under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 2000 and 2001 as an offsetting collection to appropriations made under this heading to recover costs as set forth under section 140(a)(2) of that Act and shall remain available until expended: Provided further, That of the amount made available under this heading, $5,000,000 is appropriated for a Northern Boundary and Transboundary Rivers Restoration Fund: Provided further, That of the amount made available under this heading, not less than $9,000,000 shall be available for the Office of Defense Trade Controls.*

*In addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).*

*In addition, for the costs of worldwide security upgrades, $254,000,000, to remain available until expended.*

*CAPITAL INVESTMENT FUND*

*For necessary expenses of the Capital Investment Fund, $80,000,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.*

*OFFICE OF INSPECTOR GENERAL*

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.*

*EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS*

*For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977, as amended (91 Stat. 1636), $205,000,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): Provided, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation*

*from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e).*

*REPRESENTATION ALLOWANCES*

*For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $5,850,000.*

*PROTECTION OF FOREIGN MISSIONS AND OFFICIALS*

*For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,100,000, to remain available until September 30, 2001.*

*SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS*

*For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $428,561,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $25,000 may be used for representation as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.*

*In addition, for the costs of worldwide security upgrades, $313,617,000, to remain available until expended.*

*EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE*

*For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), and as authorized by section 804(3) of the United States Information and Educational Exchange Act of 1948, as amended, $5,500,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.*

*REPATRIATION LOANS PROGRAM ACCOUNT*

*For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.*

*PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN*

*For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $15,375,000.*

*PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND*

*For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $128,541,000.*

*INTERNATIONAL ORGANIZATIONS AND CONFERENCES*

*CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

*For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $885,203,000: Provided, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That, of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding 6 months to increase funding for any United Nations program without identifying an offsetting decrease during that 6-month period elsewhere in the United Nations budget and cause the United Nations to exceed either the reform budget for the biennium 1998–1999 of $2,533,000,000 or a zero nominal growth budget for the biennium 2000–2001: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full U.S. assessment to the civil budget of the North Atlantic Treaty Organization.*

*CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES*

*For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $200,000,000, of which not to exceed $20,000,000 shall remain available until September 30, 2001: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.*

*ARREARAGE PAYMENTS*

*For an additional amount for payment of arrearages to meet obligations of authorized membership in international multilateral organizations, and to pay assessed expenses of international peacekeeping activities, $244,000,000, to remain available until expended: Provided, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of an Act that makes payment of arrearages contingent upon United Nations reform: Provided further, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and the designated specialized agencies have achieved zero nominal growth in their biennium budgets for 2000–2001 from the 1998–1999 biennium budget levels of the respective agencies: Provided futher, That not to exceed $107,000,000, which is owed by the United Nations to the United States as a reimbursement, including any reimbursement under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945, that was owed to the United States before the date of enactment of this Act shall be applied or used, without fiscal year limitations, to reduce any amount owed by the United States to the United Nations, except that any such reduction pursuant to the authority in this paragraph shall not be made unless expressly authorized by the enactment of an Act that makes payment of arrearages contingent upon United Nations reform.*

*INTERNATIONAL COMMISSIONS*

*For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:*

*INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO*

*For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:*

*SALARIES AND EXPENSES*

*For salaries and expenses, not otherwise provided for, $19,551,000.*

*CONSTRUCTION*

*For detailed plan preparation and construction of authorized projects, $5,939,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).*

*AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS*

*For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $5,733,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.*

*INTERNATIONAL FISHERIES COMMISSIONS*

*For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $15,549,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.*

*OTHER*

*PAYMENT TO THE ASIA FOUNDATION*

*For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,250,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).*

*EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND*

*For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2000, to remain available until expended: Provided, That*

*none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.*

*ISRAELI ARAB SCHOLARSHIP PROGRAM*

*For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2000, to remain available until expended.*

*EAST-WEST CENTER*

*To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $12,500,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.*

*NORTH/SOUTH CENTER*

*To enable the Secretary of State to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $1,750,000, to remain available until expended.*

*NATIONAL ENDOWMENT FOR DEMOCRACY*

*For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $31,000,000 to remain available until expended.*

## *RELATED AGENCY*

### *BROADCASTING BOARD OF GOVERNORS*

*INTERNATIONAL BROADCASTING OPERATIONS*

*For expenses necessary to enable the Broadcasting Board of Governors, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, Reorganization Plan No. 2 of 1977, as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, $388,421,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.*

*BROADCASTING TO CUBA*

*For expenses necessary to enable the Broadcasting Board of Governors to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $22,095,000, to remain available until expended: Provided, That funds may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.*

*BROADCASTING CAPITAL IMPROVEMENTS*

*For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $11,258,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).*

*GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY*

*SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).*

*SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

*SEC. 403. The Secretary of State is authorized to administer summer travel and work programs without regard to preplacement requirements.*

*SEC. 404. Beginning in fiscal year 2000 and thereafter, section 410(a) of the Department of State and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, shall be in effect.*

*SEC. 405. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.*

*SEC. 406. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2000 or any fiscal year thereafter should be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.*

*SEC. 407. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2000 or any fiscal year thereafter may be obligated or expended for the publication of any official Government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.*

*SEC. 408. None of the funds appropriated or otherwise made available in this Act for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet.*

*SEC. 409. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 309(g) of the International Broadcasting Act of 1994, and section 15 of the State Department Basic Authorities Act of 1956.*

*This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2000''.*

## *TITLE V—RELATED AGENCIES*

## *DEPARTMENT OF TRANSPORTATION*

### *MARITIME ADMINISTRATION*

*MARITIME SECURITY PROGRAM*

*For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $96,200,000, to remain available until expended.*

*OPERATIONS AND TRAINING*

*For necessary expenses of operations and training activities authorized by law, $72,073,000.*

*MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT*

*For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $6,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.*

*In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,809,000, which shall be transferred to and merged with the appropriation for Operations and Training.*

*ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION*

*Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.*

*No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.*

### *COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD*

*SALARIES AND EXPENSES*

*For expenses for the Commission for the Preservation of America's Heritage Abroad, $490,000, as authorized by section 1303 of Public Law 99–83.*

### *COMMISSION ON CIVIL RIGHTS*

*SALARIES AND EXPENSES*

*For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,900,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.*

ADVISORY COMMISSION ON ELECTRONIC COMMERCE

SALARIES AND EXPENSES

*For the necessary expenses of the Advisory Commission on Electronic Commerce, as authorized by Public Law 105–277, $1,400,000.*

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

*For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,182,000, to remain available until expended as authorized by section 3 of Public Law 99–7.*

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

*For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $29,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $279,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.*

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

*For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $210,000,000, of which not to exceed $300,000 shall remain available until September 30, 2001, for research and policy studies: Provided, That $185,754,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at $24,246,000: Provided further, That any offsetting collections received in excess of $185,754,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.*

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

*For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02, $14,150,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.*

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

*For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $104,024,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $104,024,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0, to remain available until expended: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).*

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

*For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $300,000,000, of which $289,000,000 is for basic field programs and required independent audits; $2,100,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $8,900,000 is for management and administration.*

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

*None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 1999 and 2000, respectively.*

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

*For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,270,000.*

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

*For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $173,800,000 from fees collected in fiscal year 2000 to remain available until expended, and from fees collected in fiscal year 1998, $194,000,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.*

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

*For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $246,300,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $84,500,000 shall be available to fund grants for performance in fiscal year 2000 or fiscal year 2001 as authorized by section 21 of the Small Business Act, as amended.*

OFFICE OF INSPECTOR GENERAL

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $11,000,000.*

BUSINESS LOANS PROGRAM ACCOUNT

*For the cost of guaranteed loans, $131,800,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2001: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2000, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(e)(1)(B)(ii) of the Small Business Act, as amended: Provided further, That during fiscal year 2000, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: Provided further, That during fiscal year 2000, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of guarantees of debentures authorized under section 20(e)(1)(C)(ii) of the Small Business Act, as amended.*

*In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.*

DISASTER LOANS PROGRAM ACCOUNT

*For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $119,400,000 to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.*

*In addition, for administrative expenses to carry out the direct loan program, $136,000,000, which may be transferred to and merged with*

*appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General: Provided, That any amount in excess of $20,000,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

*ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION*

*Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

*STATE JUSTICE INSTITUTE*

*SALARIES AND EXPENSES*

*For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $6,850,000, to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.*

*TITLE VI—GENERAL PROVISIONS*

*SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.*

*SEC. 602. 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. 603. 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. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.*

*SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.*

*(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.*

*SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.*

*SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.*

*(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.*

*(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—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, the person shall be ineligible to receive any contract or subcontract made with funds made available in 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. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).*

*SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.*

*SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.*

*(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2000.*

*SEC. 611. Notwithstanding any other provision of law, not more than 20 percent of the amount allocated to any account from an appropriation made by this Act that is available for obligation only in the current fiscal year may be obligated during the last two months of the fiscal year unless the Committees on Appropriations of the House of Representatives and the Senate are notified prior to such obligation in accordance with section 605 of this Act: Provided, That this section shall not apply to the obligation of funds under grant programs.*

*SEC. 612. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—*

*(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;*

*(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;*

*(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;*

*(4) possession of in-cell coffee pots, hot plates or heating elements; or*

*(5) the use or possession of any electric or electronic musical instrument.*

*SEC. 613. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings ''Operations, Research, and Facilities'' and ''Procurement, Acquisition and Construction'' may be used to implement sections 603, 604, and 605 of Public Law 102–567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.*

*SEC. 614. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

*SEC. 615. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.*

*SEC. 616. Of the funds appropriated in this Act under the heading ''Office of Justice Programs—State and Local Law Enforcement Assistance'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.*

*SEC. 617. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.*

*SEC. 618. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.*

*(b) Subsection (a)(1) of section 616 of that Act is amended—*

*(1) by striking ''and'' after ''Gonzalez''; and*

*(2) by inserting before the semicolon at the end of the subsection, '', Jean-Yvon Toussaint, and Jimmy Lalanne''.*

*(c) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2000.*

*SEC. 619. None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.*

*SEC. 620. Notwithstanding any other provision of law, amounts deposited in the Fund established under 42 U.S.C. 10601 in fiscal year 1999 in excess of $500,000,000 shall not be available for obligation until October 1, 2000.*

*SEC. 621. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.*

*SEC. 622. For an additional amount for ''Small Business Administration, Salaries and Expenses'', $30,000,000, of which $2,500,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; $2,000,000 shall be available for a grant for Western Carolina University to develop a facility to assist in small business and rural economic development; $3,000,000 shall be available for a grant to the Bronx Museum of the Arts, New York, to develop a facility; $750,000 shall be available for a grant to Soundview Community in Action for a technology access and business improvement project; $2,500,000 shall be available for a grant for the City of Hazard, Kentucky for a Center for Rural Law Enforcement Technology and Training; $1,000,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; $1,000,000 shall be available for a grant for Pikeville College, School of Osteopathic Medicine for a telemedicine and medical education network; $1,000,000 shall be available for a grant to Operation Hope in Maywood, California for a business incubator project; $1,900,000 shall be available for a grant to the Southern Kentucky Tourism Development Association to develop a facility for regional tourism promotion; $1,000,000 shall be available for a grant to the Southern Kentucky Economic Development Corporation to support a science and technology business loan fund; $500,000 shall be available for a grant for the Moundsville Economic Development Council to work in conjunction with the Office of Law Enforcement Technology Commercialization for the establishment of the National Corrections and Law Enforcement Training and Technology Center, and for infrastructure improvements associated with this initiative; $8,550,000 shall be available for a grant to Somerset Community College to develop a facility to support workforce development and skills training; $200,000 shall be available for a grant for the Vandalia Heritage Foundation to fulfill its charter purposes; $2,000,000 shall be available for a grant for the Illinois Coalition to establish and operate a national demonstration project in the DuPage County Research Park providing one-stop access for technology startup businesses; $200,000 shall be available for a grant to Rural Enterprises, Inc., in Durant, Oklahoma to support a resource center for rural businesses; $500,000 shall be available for a grant for the City of Chicago to establish and operate a program for technology-based business growth; $500,000 shall be available for a grant for the Illinois Department of Commerce and Community Affairs to develop strategic plans for technology-based business growth; $200,000 shall be available for a grant to the Long Island Bay Shore Aquarium to develop a facility; $150,000 shall be available for a grant to Miami-Dade Community College for an Entrepreneurial Education Center; $300,000 shall be available for a grant for the Western Massachusetts Enterprise Fund for a microenterprise loan program; and $250,000 shall be available for a grant for the Johnstown Area Regional Industries Center to develop a small business incubator facility.*

*SEC. 623. (a) PACIFIC SALMON RESTORATION FUND.—*

*(1) There is hereby established a Pacific Salmon Restoration Fund (hereafter referred to as the ''Fund'') to be held by the Pacific Salmon Commission. The Fund shall be invested in interest bearing accounts, bonds, securities, or other investments in order to achieve the highest annual yield consistent with protecting the principal of the Fund. The Fund shall be subdivided into a Northern Boundary Fund and a Southern Boundary Fund which shall be maintained as separate accounts within the Fund, and which shall receive $5,000,000 and $5,000,000, respectively, of the amounts authorized by this section. Income from investments made pursuant to this paragraph shall be available until expended, without appropriation or fiscal year limitation, for programs and activities relating to salmon restoration and enhancement, salmon research, the conservation of salmon habitat, and implementation of the Pacific Salmon Treaty and related agreements. Amounts provided by grants under this subsection may be held in interest bearing accounts prior to the disbursement of such funds for program purposes, and any interest earned may be retained for program purposes without further appropriation. The Fund is subject to the laws governing federal appropriations and funds and to unrestricted circulars of the Office of Management and Budget. Recipients of amounts from the Fund shall keep separate accounts and such records as are reasonably necessary to disclose the use of the funds as well as facilitate effective audits.*

*(2) FUND MANAGEMENT.—*

*(A) Amounts made available from the Northern Boundary Fund pursuant to paragraph (1) shall be administered by a Northern Boundary Committee, which shall be comprised of three representatives of the Government of Canada, and three representatives of the United States. The three U.S. representatives shall be the United States Commissioner and Alternate Commissioner appointed (or designated) from a list submitted by the Governor of Alaska for appointment to the Pacific Salmon Commission and the Regional Administrator of the National Marine Fisheries Service for the Alaska Region. Only programs and activities consistent with the purposes in paragraph (1) which affect the geographic area from Cape Caution, Canada to Cape Suckling, Alaska may be approved for funding by the Northern Boundary Committee.*

*(B) Amounts made available from the Southern Boundary Fund pursuant to paragraph (1) shall be administered by a Southern Boundary Committee, which shall be comprised of three representatives of Canada and three representatives of the United States. The United States representatives shall be appointed by the Secretary of Commerce: one shall be selected from a list of three qualified individuals submitted by the Governors of the States of Washington and Oregon; one shall be selected from a list of three qualified individuals submitted by the Pacific Coastal tribes (as defined by the Secretary of Commerce); and one shall be the Director of the Northwest Region of the National Marine Fisheries Service. Only programs and activities consistent with the purposes in paragraph (1) which affect the geographic area south of Cape Caution, Canada may be approved for funding by the Southern Boundary Committee.*

*(3) If any of the agreements or revised agreements adopted under the June 30, 1999 Agreement of the United States and Canada on the Treaty Between the Government of the United States and the Government of Canada Concerning Pacific Salmon, 1985 (hereafter referred to as the ''1999 Agreement'') expire without being renewed, or if the United States determines that Canada has ceased to apply any such agreements, amounts made available from the Fund may only be used for projects in areas under the jurisdiction of the United States until the United States determines that such agreements or revised agreements are renewed and that the United States and Canada are applying such agreements or revised agreements.*

*(b) PACIFIC SALMON TREATY IMPLEMENTATION.—While the 1999 Agreement is in effect, the incidental take in Alaska of salmon listed under Public Law 93–205, as amended, shall not be regulated under such Act. Additionally, the fact that Alaska fisheries will be regulated according to the management regimes in the 1999 Agreement and not under Public Law 93–205, as amended, shall not serve as a basis to impose or enhance any restriction under such Act on any other activity.*

*(c) IMPROVED SALMON MANAGEMENT.—Section 3(g) of the Pacific Salmon Treaty Act of 1985, 16 U.S.C. 3632(g), is amended—*

*(1) in paragraph (1) by striking ''The'' and inserting in lieu thereof ''Except as provided in paragraph (2), the'';*

*(2) by inserting after paragraph (1) the following new paragraph:*

*''(2) A decision of the United States Section with respect to any salmon fishery, other than a Chinook salmon fishery, which occurs from Cape Caution, Canada to Cape Suckling, Alaska shall be taken upon the affirmative vote of the United States Commissioner appointed from the list submitted by the Governor of Alaska pursuant to subsection (a). A decision of the United States Section with respect to any salmon fishery, other than a Chinook salmon fishery, which occurs south of Cape Caution, Canada shall be taken upon the affirmative vote of both the United States Commissioner appointed from the list submitted by the Governors of Washington and Oregon pursuant to subsection (a) and the United States Commissioner appointed from the list submitted by the treaty Indian tribes of the States of Idaho, Oregon, or Washington pursuant to subsection (a).''; and*

*(3) by renumbering the existing paragraphs.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) For capitalizing the Pacific Salmon Restoration Fund, there is authorized to be appropriated in fiscal year 2000, $10,000,000.*

*(2) For salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the Pacific Salmon treaty and related agreements, there is authorized to be appropriated in fiscal year 2000, $46,000,000 to the*

*States of California, Oregon, Washington, and Alaska. The State of Alaska may allocate a portion of any funds it receives under this subsection to eligible activities outside Alaska.*

*(3) For salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the Pacific Salmon Treaty and related agreements, there is authorized to be appropriated $4,000,000 in fiscal year 2000 to the Pacific Coastal tribes (as defined by the Secretary of Commerce).*

*Funds appropriated to the States under the authority of this section shall be subject to a 25 percent non-federal match requirement. In addition, not more than 3 percent of such funds shall be available for administrative expenses, with the exception of funds used in Washington State for the Forest and Fish Agreement.*

*SEC. 624. Funds made available under Public Law 105–277 for costs associated with implementation of the American Fisheries Act of 1998 (Division C, title II, of Public Law 105–277) for vessel documentation activities shall remain available until expended.*

*SEC. 625. Effective as of October 1, 1999, section 635 of Public Law 106–58 is amended—*

*(1) in subsection (b)(2), by inserting ''the carrier for'' after ''if''; and*

*(2) in subsection (c), by inserting ''or otherwise provide for'' after ''to prescribe''.*

*SEC. 626. None of the funds made available to the Department of Justice in this Act may be used to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.*

*SEC. 627. None of the funds appropriated in this Act shall be available for the purpose of processing or providing immigrant or nonimmigrant visas to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under section 243(d) of the Immigration and Nationality Act.*

*SEC. 628. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.*

*SEC. 629. Beginning 60 days from the date of enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be made available for the participation by delegates of the United States to the Standing Consultative Commission unless the President certifies and so reports to the Committees on Appropriations that the United States Government is not implementing the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine, or until the Senate provides its advice and consent to the Memorandum of Understanding.*

*SEC. 630. None of the funds made available in this Act may be used for any activity in support of adding or maintaining any World Heritage Site in the United States on the List of World Heritage in Danger as maintained under the Convention Concerning the Protection of the World Cultural and Natural Heritage.*

*TITLE VII—RESCISSIONS*

*DEPARTMENT OF JUSTICE*

*DRUG ENFORCEMENT ADMINISTRATION*

*DRUG DIVERSION CONTROL FEE ACCOUNT*

*(RESCISSION)*

*Amounts otherwise available for obligation in fiscal year 2000 for the Drug Diversion Control Fee Account are reduced by $35,000,000.*

*IMMIGRATION AND NATURALIZATION SERVICE*

*IMMIGRATION EMERGENCY FUND*

*(RESCISSION)*

*Of the unobligated balances available under this heading, $1,137,000 are rescinded.*

*DEPARTMENT OF STATE AND RELATED AGENCY*

*BROADCASTING BOARD OF GOVERNORS*

*INTERNATIONAL BROADCASTING OPERATIONS*

*(RESCISSION)*

*Of the unobligated balances available under this heading, $15,516,000 are rescinded.*

*RELATED AGENCIES*

*SMALL BUSINESS ADMINISTRATION*

*BUSINESS LOANS PROGRAM ACCOUNT*

*(RESCISSION)*

*Of the unobligated balances available under this heading, $13,100,000 are rescinded.*

*This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000''.*

And the Senate agree to the same.

HAROLD ROGERS,
JIM KOLBE,
CHARLES H. TAYLOR,
RALPH REGULA,
TOM LATHAM,
DAN MILLER,
ZACH WAMP,
BILL YOUNG,
JOSÉ E. SERRANO,
JULIAN C. DIXON,
ALAN MOLLOHAN,
LUCILLE ROYBAL-ALLARD,
*Managers on the Part of the House.*

JUDD GREGG,
TED STEVENS,
PETE DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
BEN NIGHTHORSE CAMPBELL,
THAD COCHRAN,
ERNEST HOLLINGS,
DANIEL INOUYE,
BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
ROBERT C. BYRD,
*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

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. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies for the fiscal year ending September 30, 2000, 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 legislative intent in the House and Senate versions in H.R. 2670 is set forth in the accompanying House report (H. Rept. 106–283) and the accompanying Senate report (S. Rept. 106–76).

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.

## TITLE I—DEPARTMENT OF JUSTICE

### GENERAL ADMINISTRATION

#### SALARIES AND EXPENSES

The conference agreement includes $79,328,000 for General Administration as proposed in the House bill, instead of $82,485,000 as proposed in the Senate bill. The conference agreement assumes requested increases for reimbursable workyears for the Office of Information and Privacy as proposed in the House and Senate reports, and for the Justice Management Division as proposed in the House report. No additional funding has been provided for additional positions for the Office of Intelligence and Policy Review.

Within the total amount provided, the conference agreement includes $8,136,000 for the Department Leadership Program as proposed in both the House and Senate bills. In addition, the conference agreement includes a provision which retains the limitation on the Department Leadership Program to the level of augmentation that occurred in these offices in fiscal year 1999.

The conference agreement also includes a provision that provides 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 for the Offices of Legislative Affairs and Public Affairs, modified to allow the use of non-reimbursable career detailees as proposed in the Senate bill. The House bill contained a similar provision, but did not allow for the use of non-reimbursable detailees.

The conference agreement includes a provision that provides the Attorney General the authority to transfer forfeited property of limited value to a State or local government or its designee for certain community-based programs, subject to reprogramming requirements, as proposed in the House bill. The Senate bill did not contain this provision.

The House report language with respect to the Department of Justice's actions to expeditiously protect the constitutional rights of all individuals is adopted by reference. In addition, the conferees concur with the direction included in the House report regarding comprehensive budget and financial reviews of Departmental components. The conferees expect the Attorney General to complete these reviews no later than January 15, 2000, and to provide a report to the Committees on Appropriations no later than February 15, 2000, on the results of these reviews and any recommendations for improvements in the budget and financial management practices of Departmental components.

#### JOINT AUTOMATED BOOKING SYSTEM

The conference agreement includes $1,800,000 as a separate account for the Joint Automated Booking System (JABS) program, instead of $6,000,000 as proposed in the Senate bill. The House bill did not provide a separate appropriation for JABS. A direct appropriation is provided to fund the Departmental program office established to run this program. In addition, should funding be available from Super Surplus funds under the Assets Forfeiture Fund, the Attorney General is expected to make available up to $4,800,000 for JABS development and deployment activities. The Senate report language regarding centralized funding for this program is adopted by reference.

#### NARROWBAND COMMUNICATIONS

The conference agreement includes $115,941,000 for narrowband communications conversion activities, instead of $125,370,000 as proposed in the House bill, and $20,000,000 as proposed in the Senate bill. Of this amount, $10,625,000 is provided as a direct appropriation, $92,545,000 is provided through transfers from Departmental components,

and $12,771,000 is provided from Super Surplus balances in the Assets Forfeiture Fund, should funds be available. The Senate bill proposed a direct appropriation of $20,000,000, and the House bill provided no direct appropriation but instead made funds available through transfers from Departmental components and Super Surplus balances from the Assets Forfeiture Fund.

Within the amount provided, $10,625,000 is to support the Wireless Management Office (WMO), including systems planning and pilot tests, and $105,316,000 is for wireless replacement activities, and operations and maintenance of legacy systems. The conferees expect the Department of Justice to move forward with the Department-wide consolidated, regional, interagency strategy developed by the WMO, and have therefore centralized all funding for narrowband communications activities under the WMO. The conferees expect the WMO to submit to the Committees on Appropriations no later than February 15, 2000, a status report on implementation of this plan. The conference agreement adopts the recommendations included in the House and Senate reports regarding the fiscal year 2001 budget submission for narrowband activities, and the House report language regarding the transfer of unobligated balances to the WMO.

The conference agreement does not include language proposed in the Senate bill allowing funds to be transferred to any Department of Justice organization upon approval by the Attorney General, subject to reprogramming procedures. The House bill contained no similar provision.

COUNTERTERRORISM FUND

The conference agreement includes $10,000,000 for the Counterterrorism Fund as proposed in the House bill, instead of $27,000,000 as proposed in the Senate bill. When combined with $22,340,581 in prior year carryover, a total of $32,340,581 will be available in the Fund in fiscal year 2000 to cover unanticipated, extraordinary expenses incurred as a result of a terrorist threat or incident. The conferees reiterate the concerns expressed in both the House and Senate reports regarding the use of the Fund, and expect that the Fund will be used only for unanticipated, extraordinary expenses which cannot reasonably be accommodated within an agency's regular budget. The Attorney General is required to notify the Committees on Appropriations in accordance with section 605 of this Act, prior to the obligation of any funds from this account.

The conference agreement adopts the direction included in the House and Senate reports regarding the National Domestic Preparedness Office. The House and Senate report language regarding funding for cyberterrorism and related activities, and the Senate report language regarding the development of a Continuity of Government comprehensive emergency plan is also adopted by reference. The Senate report language regarding the involvement of State and local governments in the annual update of the comprehensive counterterrorism and technology crime plan is adopted by reference.

The conference agreement does not include language proposed in the Senate bill allowing the Fund to be used for the costs of conducting assessments of Federal agencies and facilities. The House bill did not contain this provision.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement includes $15,000,000, as proposed in both the House and Senate bills, for the Telecommunications Carrier Compliance program to reimburse equipment manufacturers and telecommunications carriers and providers of telecommunications services for implementation of the Communications Assistance for Law Enforcement Act of 1994 (CALEA).

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $148,499,000 for Administrative Review and Appeals, instead of $134,563,000 as proposed in the House bill and $89,978,000 as proposed in the Senate bill, of which $50,363,000 is provided from the Violent Crime Reduction Trust Fund. Of the total amount provided, $146,899,000 is for the Executive Office for Immigration Review (EOIR) and $1,600,000 is for the Office of the Pardon Attorney.

The conferees direct the Executive Office for Immigration Review to provide the following: (1) beginning on March 1, 2000, semi-annual reports on the number of immigration judges and Board of Immigration Appeals members; the number of cases pending and the number of cases completed before each body for each 6-month period; and the number of cases completed by type of completion (order of removal, termination, administratively closed, or relief granted) for those cases in each 6–month period; and (2) by April 1, 2000, a report, which should include consultation with the Immigration and Naturalization Service and the private bar, on the feasibility of electronic filing of documents, such as Notices to Appear, applications for relief, Notices of Appeal, and briefs, with the Offices of Immigration Judges and with the Board of Immigration Review.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $40,275,000 for the Office of Inspector General, instead of $42,475,000 as proposed in the House bill, and $32,049,000 as proposed in the Senate bill.

The conference agreement does not include requested bill language which was included in the House bill, but not in the Senate bill, to use 0.2 percent of Violent Crime Reduction Trust Funds to audit grant programs within the Department. The conference agreement includes requested language relating to motor vehicles, which was in the House bill but not in the Senate bill. The conference agreement includes bill language designating a portion of funds to be used for narrowband conversion activities and transfers these funds to the Department of Justice Wireless Management Office.

The conferees are deeply concerned that Department employees accused of wrongdoing are not enjoying the swift justice that is every citizen's right. Though the Inspector General has made some progress in working down its backlog of ''non-judicial cases'', including special investigations, there are still far too many investigations that have stretched as long as 60 months without action or resolution. The conferees direct that all cases opened before April 1, 1999 shall be resolved not later than 60 days after the date of enactment of this Act in one of the following ways: (1) referral to the U.S. Attorneys for prosecution, (2) referral to the appropriate component for administrative punishment, (3) transmittal of a letter to the appropriate component for inclusion in the personnel jacket of the accused indicating case closure based upon a lack of evidence, or (4) transmittal of a letter to an appropriate component for inclusion in the personnel jacket of the accused indicating case closure based upon exoneration.

The conferees understand that there may be extenuating circumstances for certain extraordinary cases which may not allow for compliance with this requirement. In such instances, the Office of Inspector General shall report in an appropriate manner, so as not to jeopardize the pending investigation, to the Committees on Appropriations, the status and anticipated completion date for these cases. This report shall be submitted no later than 90 days after the date of enactment and shall be updated on a semi-annual basis.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $7,380,000 for the U.S. Parole Commission as proposed in the House bill, instead of the $7,176,000 as proposed in the Senate bill. Funding is provided in accordance with the House report.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $494,310,000 for General Legal Activities instead of $503,620,000 as proposed in the House bill, and $485,000,000 as proposed in the Senate bill, of which $147,929,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill.

The conference agreement includes no program increases for this account, but instead has provided base adjustments proportionately distributed among the divisions. The distribution of funding included in the conference agreement is as follows:

| | |
|---|---|
| Office of the Solicitor General | $6,770,000 |
| Tax Division | 67,200,000 |
| Criminal Division | 104,477,000 |
| Civil Division | 147,616,000 |
| Environment and Natural Resources | 65,209,000 |
| Office of Legal Counsel | 4,698,000 |
| Civil Rights Division | 72,097,000 |
| Interpol—USNCB | 7,360,000 |
| Legal Activities Office Automation | 18,571,000 |
| Office of Dispute Resolution | 312,000 |
| Total | 494,310,000 |

The conference agreement allows $36,666,000 to remain available until expended for office automation costs, instead of $55,166,000 as proposed in the Senate bill, and $18,166,000 as proposed in the House bill. The conference agreement adopts the Senate position that no funds are provided for the Joint Center for Strategic and Environmental Enforcement, and by reference adopts the House report language regarding extradition tracking systems.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $4,028,000 for fiscal year 2000 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in the Senate bill, instead of $3,424,000 as proposed in the House bill.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $110,000,000 for the Antitrust Division, instead of $112,318,000 as proposed in the Senate bill, and $105,167,000 as proposed in the House bill. The conference agreement assumes that of the amount provided, $81,850,000 will be derived from fees collected in fiscal year 2000, and $28,150,000 will be derived from estimated unobligated fee collections available from 1999 and prior years, resulting in a net direct appropriation of $0. It is intended that any excess fee collections shall remain available for the Antitrust Division in future years.

The conferees are aware that the Division is facing increased requirements related to electronic data storage, data processing, and automated litigation support which have impacted the ability of the Antitrust Division to maintain its current base operating level. Therefore, the conference agreement has included sufficient funding to address these requirements to enable the Division to maintain the current operating level.

The conference agreement includes language proposed in the Senate bill making technical corrections to code citations.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $1,161,957,000 for the U.S. Attorneys as proposed in the House bill, instead of $1,089,478,000 as proposed in the Senate bill, all of which is a direct appropriation, instead of $500,000,000 from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the Senate bill.

The conference agreement provides a net increase of $60,755,000 for adjustments to base as follows: $69,944,000 is provided for annualization of the 96 positions provided in fiscal year 1999, as well as other pay and inflationary costs, offset by $9,189,000 in base decreases attributable to savings from the direction included in the Senate report regarding unstaffed offices, the provision of funding for the victims witness coordinator and advocate program from the Crime Victims Fund, and other non-recurring requirements.

The conference agreement also includes the following program increases:

*Firearms Prosecutions.*—The conference agreement provides $7,125,000 to continue and expand intensive firearms prosecution projects to enforce Federal laws designed to keep firearms out of the hands of criminals and to enhance existing law enforcement efforts. The conferees direct the Executive Office of US Attorneys (EOUSA) to submit a spending plan to the Committees on Appropriations no later than December 1, 1999. This spending plan shall give priority consideration to the needs of those areas referenced in the Senate-passed bill, as well as other areas with high incidences of firearms violations.

*Legal Education.*—The conference agreement provides a program increase of $2,300,000 to establish a distance learning facility at the National Advocacy Center (NAC) in accordance with the direction included in the Senate report. When combined with $15,015,000 included within base resources, as requested in the budget, a total of $17,315,000 is included under this account for legal education at the National Advocacy Center (NAC).

*Courtroom Technology.*—The conference agreement provides $1,399,000 for technology demonstration projects, with priority given to the locations referred to in the Senate report.

In addition, $1,000,000 is included from within base resources to continue a violent crime task force demonstration project to investigate and prosecute perpetrators of Internet sexual exploitation of children, to be administered under the auspices of Operation Streetsweeper, as proposed in the Senate bill.

The conference agreement does not adopt the recommendations included in the Senate report regarding term appointments, civil defensive litigation, or child support enforcement.

In addition to identical provisions that were included in both the House and Senate bills, the conference agreement includes the following provisions: (1) providing for 9,120 positions and 9,398 workyears for the U.S. Attorneys, instead of 9,044 positions and 9,360 workyears as proposed in the House bill, and 9,044 positions and 9,312 workyears as proposed in the Senate bill; (2) allowing not to exceed $2,500,000 for debt collection activities to remain available for two years as proposed in the House bill; and (3) allowing not to exceed $2,500,000 for the National Advocacy Center and $1,000,000 for violent crime task forces to remain available until expended as proposed in the Senate bill. The conference agreement does not include language proposed in the Senate bill designating funding for civil defensive litigation, allowing the transfer of up to $20,000,000 from this account to the Federal Prisoner Detention account, and designating funding for certain task force activities.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides $112,775,000 in budget authority for the U.S. Trustees, of which $106,775,000 is derived from fiscal year 2000 offsetting fee collections, and $6,000,000 is derived from interest earned on Fund investments, instead of $112,775,000 in budget authority and fiscal year 2000 offsetting fee collections as proposed in the Senate bill, and $114,248,000 in budget authority, of which $108,248,000 is derived from fiscal year 2000 offsetting fee collections and $6,000,000 in interest earnings as proposed in the House bill.

The conference agreement assumes that $9,319,000 in prior year carryover will be available to the U.S. Trustees in fiscal year 2000, providing a total operating level of $122,094,000, the full amount necessary to maintain the current operating level of 1,128 positions and 1,059 workyears. The conferees remind the U.S. Trustees that amounts collected or otherwise available in excess of the total operating level assumed in the conference agreement are subject to section 605 of this Act. In addition, the conferees adopt by reference the Senate report language on the National Advocacy Center (NAC). The conferees direct the U.S. Trustees to report to the Committees on Appropriations no later than December 31, 1999, on the planned number and type of bankruptcy classes to be conducted at the NAC.

The conference agreement includes a provision as proposed in the House bill to allow interest earned on Fund investment to be used for expenses in this appropriation. The Senate bill did not contain this provision.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides $1,175,000 for the Foreign Claims Settlement Commission, as requested and as provided in both the House and Senate bills, and assumes funding in accordance with both the House and Senate bills.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes $543,365,000 for the U.S. Marshals Service Salaries and Expenses account, instead of $538,909,000 as proposed in the House bill and $547,253,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $209,620,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill, instead of $138,000,000 as proposed in the Senate bill.

The amount included in the conference agreement includes a $29,932,000 net increase for inflationary and other base adjustments, including $1,600,000 to continue and expand the Marshals Service's subscriptions to credit bureau and personal and commercial property on-line services. The conferees remain seriously concerned about the Marshals Service's inability to accurately project its funding requirements and effectively manage the resources provided. Therefore, the conference agreement adopts by reference the language and direction included in the House report regarding budget and financial management practices.

In addition, the conference agreement includes $20,324,000 in program increases for the following: (1) $4,003,000 (56 positions and 28 workyears) for courthouse security personnel related to activation of new courthouses opening in fiscal year 2000; (2) $2,500,000 for electronic surveillance unit equipment; and (3) $13,821,000 for courthouse security equipment, of which $9,000,000 is to be derived from the Working Capital Fund, to be provided for newly opening courthouses as follows:

*USMS Courthouse Security Equipment*

[In thousands of dollars]

| | |
|---|---|
| Omaha, NE | $1,000 |
| Hammond, IN | 866 |
| Covington, KY | 161 |
| London, KY | 275 |
| Montgomery, AL | 1,130 |
| Tucson, AZ | 846 |
| Phoenix, AZ | 861 |
| Charleston, SC | 379 |
| Albany, NY | 478 |
| Los Angeles, CA | 256 |
| Sioux City, IA | 264 |
| Agana, Guam | 781 |
| Islip, NY | 1,669 |
| St. Louis, MO | 1,754 |
| Las Vegas, NV | 900 |
| Riverside, CA | 436 |
| Corpus Christi, TX | 1,000 |
| Charleston, WV | 100 |
| Pocatello, ID | 15 |
| Albuquerque, NM | 200 |
| Kansas City, MO | 450 |
| Total, USMS Security Equipment | 13,821 |

The conferees expect the Marshals Service to give priority to those facilities scheduled to come on line in the first half of fiscal year 2000, and expect to be notified in accordance with section 605 of this Act prior to any deviation from the above distribution.

The conference agreement does not include a provision proposed in the Senate bill requiring a judge to submit a written request to the Attorney General for approval prior to the service of process by a Marshals Service employee. The conferees are aware of concerns regarding the impact that service of process duties is having on the Marshals Service. Therefore, the conferees direct the Attorney General and the Marshals Service to work with the Administrative Office of the Courts to study alternatives for service of process in certain cases in which no law enforcement presence is required, and to report back to the Committees on Appropriations no later than February 1, 2000, on the impact of such alternatives on the Marshals Service and the Federal Courts.

In addition, the conferees concur with the recommendation included in the Senate report regarding the reallocation of personnel resulting from the defederalization of District of Columbia Superior Court operations. Should defederalization occur, the Marshals Service is directed to notify the Committees of such reallocation in accordance with section 605 of this Act.

The conference agreement does not include language proposed in the Senate bill which limits the use of contract officers and limits the use of employees of the Marshals Service to serve process.

CONSTRUCTION

The conference agreement includes $6,000,000 in direct appropriations for the U.S. Marshals Service Construction account instead of $9,632,000 as proposed in the Senate bill, and $4,600,000 as proposed in the House bill. An additional $2,600,000 is to be provided for this account should funds be available from Super Surplus balances in the Assets Forfeiture Fund. The conference agreement includes the following distribution of funds:

*USMS Construction*

[In thousands of dollars]

| | |
|---|---|
| Fairbanks, AK | $ 300 |
| Prescott, AZ | 125 |
| Atlanta, GA | 368 |
| Moscow, ID | 185 |
| Rockford, IL | 250 |
| Louisville, KY | 350 |
| Detroit, MI | 515 |
| Las Cruces, NM | 275 |
| Greensboro, NC | 725 |
| Muskogee, OK | 650 |
| Pittsburgh, PA | 550 |
| Charleston, SC | 725 |
| Florence, SC | 300 |
| Spartanburg, SC | 400 |
| Columbia, TN | 250 |
| Beaumont, TX | 450 |
| Sherman, TX | 850 |
| Cheyenne, WY | 500 |
| Security Specialists/Construction Engineers | 832 |
| Total, Construction | 8,600 |

The conferees expect to be notified in accordance with section 605 of this Act prior to any deviation from the above distribution.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND

The conference report includes requested language permanently establishing a revolving fund for the operation of the Justice Prisoner and Alien Transportation System (JPATS), as provided in both the House and Senate bills. The conference agreement does not include direct funding of $9,000,000 proposed in the Senate bill to pay for Marshals Service payments to the JPATS revolving fund. The conferees expect the Marshals Service to adequately budget for its own requirements for prisoner movements within its own base budget under the Salaries and Expenses account, as is the practice for all other agencies, and have addressed the Marshals Service's needs under that account.

The conference agreement adopts the direction included in the House and Senate reports regarding full cost recovery, the direction included in the House report regarding system enhancements, and the direction included in the Senate report regarding surplus Department of Defense aircraft.

The conference agreement does not include language amending the definition of public aircraft with respect to JPATS activities, which was proposed in the Senate bill.

FEDERAL PRISONER DETENTION

The conference agreement provides $525,000,000 for Federal Prisoner Detention as proposed in the House bill, instead of $500,000,000 as proposed in the Senate bill, which is a $100,000,000 increase over the fiscal year 1999 level. This amount, combined with approximately $14,000,000 in carryover, will provide total funding of $539,000,000 in fiscal year 2000. The conferees remain extremely concerned about the inability of the Marshals Service to accurately project and manage the resources provided under this account. While the conferees appreciate the difficulty in projecting funding requirements, the wide fluctuations which have occurred in recent years are unacceptable. Given the conferees' continued concern about the ability of the Marshals Service to provide accurate cost projections, the recommendation includes the amount of funding identified as necessary to detain the current average population, adjusted for anticipated increases in jail day costs, as well as allows for additional growth in the detainee population. A general provision has also been included elsewhere in this title, as requested, addressing medical services costs, which should result in savings to the program. Should additional funding be required, the conferees would be willing to entertain a reprogramming in accordance with Section 605 of this Act. In addition, the conference agreement adopts the direction included in the Senate report requiring quarterly reports on cost savings initiatives, as well as a report on sentencing delays.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $95,000,000 for Fees and Expenses of Witnesses as proposed in the House bill, instead of $110,000,000 as proposed in the Senate bill. The conference agreement does not include a provision allowing up to $15,000,000 to be transferred from this account to the Federal Prisoner Detention account, which was proposed in the Senate bill.

COMMUNITY RELATIONS SERVICE

The conference agreement includes $7,199,000 for the Community Relations Service, as proposed in both the House and Senate bills. In addition, the conference agreement includes a provision allowing the Attorney General to transfer up to $1,000,000 of funds available to the Department of Justice to this program, as proposed in the House bill. The Attorney General is expected to report to the Committees on Appropriations of the House and Senate if this transfer authority is exercised. In addition, a provision is included allowing the Attorney General to transfer additional resources, subject to reprogramming procedures, upon a determination that emergent circumstances warrant additional funding, as proposed in the House bill. The Senate bill did not include either transfer provision.

ASSETS FORFEITURE FUND

The conference agreement provides $23,000,000 for the Assets Forfeiture Fund as proposed in Senate bill, instead of no funding as proposed in the House bill.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The conference agreement recommends $2,000,000 for fiscal year 2000, the full amount requested, the same amount proposed in both the House and Senate bills, and in accordance with the House and Senate bills.

PAYMENT TO RADIATION COMPENSATION EXPOSURE TRUST FUND

The conference agreement provides $3,200,000 in direct appropriations and assumes prior year carryover funding of $7,800,000 for total of $11,000,000 for the Compensation Trust Fund.

The Administration's fiscal year 2000 request was predicated on the passage of legislation that increased both the amount of payments to qualifying individuals and the number of categories of claimants. The proposed legislation has not been acted on and future passage is uncertain. The conferees are concerned that the Administration has expanded the number of claimants through the issuing of regulations when Congress has not chosen to do so through the normal legislative process. The conferees have provided adequate funding to cover the payments of the three categories of claimants currently provided for in statute. No additional funding is provided to cover the claims of individuals provided for by 29 CFR Part 79.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes a total of $316,792,000 for Interagency Crime and Drug Enforcement (ICDE) as proposed in the House bill, instead of $304,014,000 as proposed in the Senate bill. The distribution of funding provided is as follows:

*Reimbursements by Agency*

[In thousands of dollars]

| | |
|---|---|
| Drug Enforcement Administration | $ 104,000 |

*Reimbursements by Agency—Continued*

| | |
|---|---|
| Federal Bureau of Investigation | 108,544 |
| Immigration and Naturalization Service | 15,300 |
| Marshals Service | 1,900 |
| U.S. Attorneys | 83,300 |
| Criminal Division | 790 |
| Tax Division | 1,344 |
| Administrative Office | 1,614 |
| Total | 316,792 |

The conferees continue to believe that a dedicated, focused effort is needed for this activity. Therefore, the conference agreement adopts the approach included in both the House and Senate bills to continue funding for Department of Justice components' participation in ICDE activities as a separate appropriations account, instead of providing funding directly to individual components as proposed in the President's budget. The conferees recognize that in order to be truly successful, all participants must remain committed to the program, and the program must be implemented as efficiently as possible. The conferees direct the Department of Justice to conduct a comprehensive review of the program and provide a report to the Committees on Appropriations no later than January 15, 2000, with any recommendations to improve the program.

The conference agreement includes language allowing up to $50,000,000 to remain available until expended as proposed in the House bill, instead of $20,000,000 as proposed in the Senate bill.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes $3,089,868,000 for the Federal Bureau of Investigation (FBI) Salaries and Expenses account as proposed in the House bill, instead of $2,973,292,000 as proposed in the Senate bill, of which $752,853,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as recommended in the House bill, instead of $280,501,000 as recommended in the Senate bill. In addition, the conference agreement provides that not less than $292,473,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security as proposed in the House bill, instead of $260,000,000 as proposed in the Senate bill. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

The conference agreement includes a net increase of $100,836,000 for adjustments to base, as follows: increases totaling $182,935,000 for costs associated with the annualization of new positions provided in fiscal year 1999, the 2000 pay raise, increased rent, continued direct funding of the National Instant Check System, and other inflationary adjustments; offset by decreases totaling $82,099,000 for non-recurring costs associated with the completion of the Integrated Automated Fingerprint Identification System (IAFIS) and one-time equipment purchases provided for in fiscal year 1999, the transfer of the State Identification grants program to the Office of Justice Programs, the rebaselining of certain programs to match actual expenditures, and reductions for vehicle and furniture purchases. In addition, the conference agreement includes program increases totaling $7,484,000, which are described below:

*National Infrastructure Protection/Computer Intrusion.*—The conference agreement adopts the direction included in the Senate report requiring the conversion of 95 part-time positions for Computer Analysis Response Teams (CART) to 62 full-time positions, which will

enable the FBI to increase its total effort by 20%. The conferees believe that the complexity of computer forensic examinations necessitates a cadre of personnel dedicated to this activity, which can provide the necessary investigative support to field offices, and expect the FBI to deploy these personnel in a manner which maximizes coverage and support to field offices. To ensure that these teams can effectively respond to the needs of the field, a program increase of $3,399,000 has been provided for training, equipment, supplies and technology upgrades for these teams. The conferees direct the FBI to submit a spending plan to the Committees on Appropriations prior to the release of these funds. In addition, the conferees expect the FBI to comply with the direction included in the Senate report regarding the adequacy of examiner training, and the development of a master plan regarding current and planned capabilities to combat computer crime and intrusion.

In addition, the conference agreement provides a total of $18,596,000 for the National Infrastructure Protection Center [NIPC], of which $1,250,000 is for a cybercrime partnership with the Thayer School of Engineering, as proposed in the Senate report. This amount, when combined with $2,069,436 in carryover funding, will provide a total of $20,880,032 for the NIPC in fiscal year 2000, approximately the same level of funding available in fiscal year 1999, adjusted for costs associated with certain non-recurring requirements. It has come to the conferees' attention that concerns have been expressed regarding the adequacy of staffing levels at the NIPC. The conferees are concerned that the current FBI on-board staffing level at the NIPC is only at 80% of its authorized and funded level, and other agency participation is only at 70% of the authorized level. The conferees direct the FBI to provide a report to the Committees no later than December 1, 1999, on the actions it is taking to rectify this situation.

*Mitochondrial DNA.*—The conference agreement includes a program increase of $2,835,000 (5 positions and 3 workyears) for the development of the use of mitochondrial DNA to assist in the identification of missing persons, as proposed in the Senate report.

*Criminal Justice Services.*—The conference agreement includes a total of $212,566,000 for the Criminal Justice Information Services Division (CJIS), which includes the National Instant Check System (NICS), an increase of $81,500,000 above the request. Of this amount, $70,235,000 is for NICS, including $2,500,000 to be funded from prior year carryover, and $142,331,000 is for non-NICS activities, including $11,265,000 for an operations and maintenance shortfall affecting the Integrated Automated Fingerprint Identification System (IAFIS) and the National Crime Information Center (NCIC).

The fiscal year 2000 budget for the FBI included no direct funding for the NICS, and instead proposed to finance the costs of this system through a user fee. The conference agreement includes a provision under Title VI of this Act which prohibits the FBI from charging a fee for NICS checks, and instead provides funding to the FBI for its costs in operating the NICS.

*Indian Country Law Enforcement.*—The conferees share the concerns expressed in the Senate report regarding sexual assaults on Indian reservations. The conferees direct the FBI to reallocate not less than 25 agents to existing DOJ offices nearest to the Indian reservations identified in the Senate report. The conferees assume these agents will serve as part of multi-agency task forces dedicated to addressing this problem. While the conferees do not intend for this to be a permanent redirection of FBI resources, the conferees expect the FBI to implement this direction in the most cost effective manner possible. Therefore, the conferees direct the FBI to submit an implementation plan to the Committees on Appropriations no later than December 1, 1999, and to provide a report on the success of its investigative efforts not later than June 1, 2000.

*Information Sharing Initiative (ISI).*—The conference agreement does not include program increases for ISI. Within the total amount available to the FBI, $20,000,000 is available from fiscal year 2000 base funding, and $60,000,000 is available from unobligated balances from fiscal year 1999. The Bureau is again directed not to obligate any of these funds until approval by the Committees of an ISI plan.

The conferees reiterate the concerns expressed in the House report regarding the FBI's information technology initiatives. The FBI is expected to comply with the direction included in the House report regarding the submission of an Information Technology report, and is directed to provide this report to the Committees on Appropriations no later than November 1, 1999, and an updated report as part of the fiscal year 2001 budget submission.

*National Domestic Preparedness Office (NDPO).*—The FBI is considered the lead agency for crisis management; the Federal Emergency Management Agency (FEMA) is considered the lead agency for consequence management; and various other Federal agencies share additional responsibilities in the event of a terrorist attack. In the past, there has been no coordinated effort to prepare State and local governments to respond to terrorist incidents. The Department of Justice has proposed the establishment of an interagency National Domestic Preparedness Office (NDPO) to coordinate Federal assistance programs for State and local first responders, provide a single point of contact among Federal programs, and create a national standard for domestic preparedness, thereby improving the responsiveness of Federal domestic preparedness programs, while reducing duplication of effort. The conferees approve the Department's request to create the NDPO and direct the Department of Justice to submit to the Committees no later than December 15, 1999, the final blueprint for this office. Within the total amount available to the FBI, up to $6,000,000 may be used to provide funding for the NDPO in fiscal year 2000, subject to the submission of a reprogramming in accordance with section 605 of this Act. Further, the conferees expect the five-year interagency counterterrorism plan, which is to be submitted to the Committees no later than March 1, 2000, to identify and incorporate the NDPO's role and function.

*Other.*—From within the total amount provided under this account, the FBI is directed to provide not less than $5,204,000 to maintain the Crimes Against Children initiative as recommended in the Senate report. In addition, not less than $1,500,000 and 11 positions are to be provided to continue the Housing Fraud initiative as recommended in the House report. The conferees are concerned about delay in fully implementing the Housing Fraud initiative provided for in fiscal year 1999, and expect the FBI to take all necessary actions to fully implement this initiative and report back to the Committees on Appropriations no later than December 1, 1999, on its actions.

The Senate report language regarding intelligence collection management officers, background checks for school bus drivers, the Northern New Mexico anti-drug initiative, and continued collaboration with the Southwest Surety Institute is adopted by reference. The conference agreement also adopts by reference the House report language regarding the National Integrated Ballistics Information Network (NIBIN).

In addition to identical provisions that were included in both the House and Senate bills, the conference agreement includes provisions, modified from language proposed in the House bill, authorizing the purchase of not to exceed 1,236 passenger motor vehicles, and designating $50,000,000 for narrowband communications activities to be transferred to the Department of Justice Wireless Management Office. The Senate bill did not include provisions on these matters. The conference agreement also includes language allowing up to $45,000 to be used for official reception and representation expenses as proposed in the House bill, instead of $65,000 as proposed in the Senate bill, and contains statutory citations under the Violent Crime Reduction Trust Fund proposed in the House bill, which were not included in the Senate bill.

The conference agreement does not include language proposed in the Senate bill regarding the independent program office dedicated to the automation of fingerprint identification services, nor is language included limiting the total number of positions and workyears available to the FBI in fiscal year 2000. The House bill did not include similar provisions on these matters. However, the conferees are concerned about the continued variances between the FBI's funded and actual staffing levels. Therefore, the conferees direct the FBI to provide quarterly reports to the Committees on Appropriations which delineate the funded and the actual agent and non-agent staffing level for each decision unit, with the first report to be provided no later than December 1, 1999.

CONSTRUCTION

The conference agreement includes $1,287,000 in direct appropriations for construction for the Federal Bureau of Investigation (FBI), as provided for in the House bill, instead of $10,287,000 as proposed in the Senate bill. The agreement includes the funding necessary to continue necessary improvements and maintenance at the FBI Academy.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $1,276,250,000 for the Drug Enforcement Administration (DEA) Salaries and Expenses account as proposed in the House bill, instead of $1,217,646,000 as proposed in the Senate bill, of which $343,250,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $344,250,000 as proposed in the House bill, and $419,459,000 as proposed in the Senate bill. In addition, $80,330,000 is derived from the Diversion Control Fund for diversion control activities. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

*Budget and Financial Management.*—The conferees share the concerns expressed in both the House and Senate reports regarding DEA's budget and financial management practices, including DEA's failure to comply with section 605 of the appropriations Acts, resulting in resources being expended in a manner inconsistent with the appropriations Acts. As a result of these concerns, a comprehensive review was conducted by the Department of Justice and DEA, and a report was provided to the Committees on Appropriations on July 8, 1999, which recommended a series of management reforms to be implemented by DEA and included a revised budget submission for fiscal year 2000. The conferees expect DEA to expeditiously

implement all management reforms recommended in that report. Further, the conference agreement has used the revised budget submission as the basis for funding provided for fiscal year 2000. The following table represents funding provided under this account:

DEA SALARIES AND EXPENSES

[Dollars in thousands]

| Activity | Pos. | FTE | Amount |
|---|---|---|---|
| Enforcement: | | | |
| Domestic enforcement | 2,195 | 2,134 | $377,008 |
| Foreign cooperative investigation | 730 | 689 | 200,678 |
| Drug and chemical diversion | 142 | 143 | 14,598 |
| State and local task forces | 1,678 | 1,675 | 233,073 |
| Subtotal | 4,765 | 4,651 | 825,357 |
| Investigative Support: | | | |
| Intelligence | 883 | 900 | 106,133 |
| Laboratory services | 381 | 378 | 42,833 |
| Training | 99 | 98 | 19,861 |
| RETO | 355 | 353 | 101,783 |
| ADP | 131 | 129 | 96,994 |
| Subtotal | 1,849 | 1,858 | 367,604 |
| Management and administration | 857 | 849 | 83,289 |
| Total, DEA | 7,471 | 7,358 | 1,276,250 |

DEA is reminded that any deviation from the above distribution is subject to the reprogramming requirements of section 605 of this Act.

The conference agreement provides a net increase of $20,312,000 for pay and other inflationary costs to maintain current operations, as follows: increases totaling $50,220,000 for costs associated with annualization of 617 new positions provided in fiscal year 1999, the 2000 pay raise, increased rent, and other inflationary increases; offset by decreases totaling $29,908,000 for costs associated with one-time and non-recurring equipment purchases and other items provided for in fiscal year 1999, and a general reduction in administrative overhead.

In addition, the conference agreement includes program increases totaling $41,925,000, as follows:

*Caribbean Initiative.*—The conference agreement includes a total of $5,500,000 (17 positions, including 11 agents) to augment the Caribbean Initiative funded in fiscal years 1998 and 1999, as follows:

—$1,900,000 within Domestic Enforcement for 17 positions and 9 workyears for new agents and support in Puerto Rico;

—$500,000 within Domestic Enforcement to address law enforcement retention efforts in Puerto Rico, including the development of a community liaison office and center to provide assistance to Department of Justice employees and their families;

—$3,100,000 within Research, Engineering, Test and Operations (RETO) to purchase four MWIR airborne thermal imaging systems and eight installation kits for UH–60 aircraft to support multi-agency operations in the Bahamas and North Caribbean. The conferees expect these aircraft to be configured like the US Customs Service UH–60 counter-drug aircraft to enhance interoperability.

The conferees direct DEA to provide quarterly status reports on the implementation of these initiatives. Further, the conference agreement adopts by reference the House report language regarding requirements related to the Caribbean.

*Source Country/International Strategy.*—Within the amount provided for Foreign Cooperative Investigations, the conference agreement includes program increases totaling $5,000,000 (19 positions, including 8 agents) to enhance staffing in Central and South America, as follows:

—$1,500,000 for 6 positions, including 2 agents, to enhance staffing in Panama (3 positions, including 2 agents), Nicaragua (1 position), and Belize (2 positions); and

—$3,500,000 for 13 positions, including 6 agents, to enhance staffing in Argentina (2 positions, including 1 agent), Brazil (3 positions, including 2 agents); Chile (2 positions, including 1 agent); Peru (2 positions); and Venezuela (4 positions).

The conferees are aware of concerns expressed regarding adequacy of non-agent personnel in source countries, resulting in agent resources being used to perform functions more efficiently performed by non-agent personnel. Therefore, the conference agreement has included additional non-agent positions to address this problem. The conferees urge the DEA to review the adequacy of non-agent personnel in source countries to ensure that adequate support is provided. DEA is expected to provide quarterly reports on investigative and non-investigative workyears and funding, by type, within source and transit countries, including the Caribbean, delineated by country and function, with the first report to be provided not later than November 15, 1999.

*Domestic Enhancements.*—The conference agreement includes program increases totaling $10,700,000 for domestic counter-drug activities, exclusive of the Caribbean Initiative. Included are the following program increases:

—$4,600,000 within Domestic Enforcement for 25 positions (15 agents) and 13 workyears for Regional Enforcement Teams (RETS), to provide a total of $17,400,000 for RETS in fiscal year 2000. The conferees expect the additional personnel and resources provided to be dedicated to locations in the Western United States as determined by DEA, and to focus primarily on the methamphetamine problem in that geographic region;

—$2,800,000 within State and Local Task Forces for 20 positions (12 agents) and 10 workyears for Mobile Enforcement Teams (METS), to provide a total of $53,900,000 for METS in fiscal year 2000. The conferees expect the additional personnel and resources provided to be dedicated to locations as determined by DEA, and to focus primarily on the problems of black tar heroin and methamphetamines;

—$1,500,000 within State and Local Task Forces for State and local methamphetamine training, as recommended in the Senate report;

—$1,000,000 within Domestic Enforcement for Drug Demand Reduction programs, as recommended in the House report;

—$400,000 within Domestic Enforcement for black tar heroin and methamphetamine enforcement along the Southwest border to address this problem in cooperation with other Federal law enforcement agencies, with particular emphasis on the illegal drug trafficking problem in Northern New Mexico;

—$400,000 within State and Local Task Forces for support for methamphetamine enforcement in Iowa, as directed in the Senate report.

In addition, DEA is expected to comply with the direction included in the House report regarding DEA's continued participation in the HIDTA program, and support for DEA's newly established office in Madisonville, Kentucky. DEA is also expected to comply with the direction included in the Senate report regarding Operation Pipeline.

*Investigative Support Requirements.*—The conference agreement includes $20,725,000 to address critical infrastructure needs, as follows:

—$7,725,000 within RETO to consolidate and enhance DEA's electronic surveillance capabilities to support multi-agency, multi-jurisdictional investigations;

—$13,000,000 within ADP to accelerate the completion of Phase II of FIREBIRD to December 2001. This amount will provide a total of $44,890,000 in fiscal year 2000 for FIREBIRD, of which $37,500,000 is to be for deployment only, and $7,400,000 is for operations and maintenance (O&M) of the system, the full amount requested in the budget. Should additional funds be required for O&M, the Committee's would be willing to entertain a reprogramming in accordance with section 605 of the Act. The conferees share the concerns expressed in the House report regarding this program, and direct DEA to provide a full program plan for completion of Phase II of FIREBIRD, including deployment and O&M costs, to the Committees on Appropriations not later than December 1, 1999, and to provide quarterly status reports thereafter on deployment and O&M, delineated by location and function.

*Drug Diversion Control Fee Account.*—The conference agreement provides $80,330,000 for DEA's Drug Diversion Control Program, including $3,260,000 in adjustments to base and program increases, as requested. In addition, the Senate report language regarding development of electronic reporting and records systems is adopted by reference. The conference agreement assumes that the level of balances in the Fee Account are sufficient to fully support diversion control programs in fiscal year 2000. As was the case in fiscal year 1999, no funds are provided in the DEA Salaries and Expenses appropriation for this account in fiscal year 2000.

CONSTRUCTION

The conference agreement includes $5,500,000 in direct appropriations for construction for the Drug Enforcement Administration (DEA) as proposed in the Senate bill, instead of $8,000,000 as proposed in the House bill.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes $2,909,665,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of $2,932,266,000 as provided in the House bill, and $2,570,164,000 as provided in the Senate bill, of which $1,267,225,000 is from the Violent Crime Reduction Trust Fund, instead of $1,311,225,000 as proposed in the House bill and $873,000,000 as proposed in the Senate bill. In addition to the amounts appropriated, the conference agreement assumes that $1,269,597,000 will be available from offsetting fee collections instead of $1,285,475,000 as proposed by the House and $1,290,162,000 as proposed by the Senate. Thus, including resources provided under construction, the conference agreement provides a total operating level of $4,260,416,000 for INS, instead of $4,289,231,000 as proposed by the House and $3,999,290,000 as proposed by the Senate. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

*Base adjustments.*—The conference agreement provides $54,740,000 for base restoration, instead of the requested $55,830,000, and provides $7,112,000 for the annualization of the fiscal year 1999 pay raise, instead of the requested $14,961,000, the remaining amount of which has already been paid in the current fiscal year. Additionally, the conference agreement includes $30,000,000 for the annualization of the Working Capital Fund base transfer, $3,794,000 for the National Archives records project, and $1,090,000 of the base restoration for fiscal year 1999 adjustments to base which are funded in the Examinations Fee account, since sufficient funds are available. The conference agreement does not include $11,240,000 for the Interagency Crime and Drug Enforcement funds, which are provided in a separate account or $20,000,000 for the annualization of

border patrol agents not hired. The conference agreement does not include the transfers to the Examinations Fee account, H–1b account, or the breached bond/detention account, as proposed by the Senate report.

*INS Organization and Management.*—The conference agreement includes the concerns expressed in the House report that a lack of resources is no longer an acceptable response to INS's inability to adequately address its mission responsibilities. The conference agreement includes the establishment of clearer chains of command—one for enforcement activities and one for service to noncitizens—as one step towards making the INS a more efficient, accountable, and effective agency, as proposed in both the House and Senate reports. Consistent with the concept of separating immigration enforcement from service, the conference agreement continues to provide for a separation of funds, as in fiscal year 1999 and in the House bill. The conference agreement includes the separation of funds into two accounts, as requested and as proposed in the House bill: Enforcement and Border Affairs, and Citizenship and Benefits, Immigration Support and Program Direction. INS enforcement funds are placed under the Enforcement and Border Affairs account. All immigration-related benefits and naturalization, support and program resources are placed under the Citizenship and Benefits, Immigration Support and Program Direction account. Neither account includes revenues generated in various fee accounts to fund program activities in both enforcement and functions, which are in addition to the appropriated funds and are discussed below. Funds for INS construction projects continue to fall within the INS construction account.

The conference agreement includes bill language which provides authority for the Attorney General to transfer funds from one account to another in order to ensure that funds are properly aligned. Such transfers may occur notwithstanding any transfer limitations imposed under this Act but such transfers are still subject to the reprogramming requirements under Section 605 of this Act. It is expected that any request for transfer of funds will remain within the activities under those headings.

The conference agreement includes $1,107,429,000 for Enforcement and Border Affairs, $535,011,000 for Citizenship and Benefits, Immigration Support and Program Direction, and $1,267,225,000 from the Violent Crime Reduction Trust Fund.

The Enforcement and Border Affairs account is comprised of the following amounts: $922,224,000 for existing base activities for Border Patrol, Investigations, Detention and Deportation, and Intelligence; less $11,240,000 for the Interagency Crime and Drug Enforcement funds, which are provided in a separate account, less $20,000,000 for the annualization of border patrol agents not hired and less $7,555,000 for part of the fiscal year 1999 annualized pay raise, the remaining amount of which has already been paid in the current fiscal year.

The Citizenship and Benefits, Immigration Support and Program Direction account includes $539,099,000 (plus VCRTF funds) for the existing activities of citizenship and benefits, immigration support, and management and administration; less $294,000 of the annualized fiscal year 1999 pay raise which has already been paid within the current year, and less $3,794,000 for archives and records, which are now funded within the Examinations Fee account. The requested $30,000,000 base restoration and the $1,090,000 base restoration for fiscal year 1999 adjustments to base need not be funded in the Salaries and Expenses base since sufficient funds are available within the Examinations Fee account. None of these amounts include offsetting fees, which are used to fund both enforcement and service functions.

*Border Control.*—The conference agreement includes $50,000,000 for 1,000 new border patrol agents and 475 FTEs, of which $1,500,000 is for border patrol recruitment devices, such as language proficiency bonuses, recruitment bonuses, and costs for improved recruitment outreach programs, including the possibility of expanding testing capabilities and other hiring steps, as described in the Senate report, and the establishment of an Office of Border Patrol Recruitment and Retention, as described in the Senate report, including the submission of recommendations on pay and benefits. Owing to INS's failure to hire 1,000 border patrol agents in fiscal year 1999, INS may provide a recruiting bonus to new agents hired after January 1, 2000. Should the INS be unable to recruit the required agents by June 1, 2000, the only other allowable purpose to which the $48,500,000 may be put is an increase in pay for non-supervisory agents who have served at a GS–9 level for more than one year. The Committees on Appropriations expect to be notified prior to the use of funds for a pay raise.

The conference report also includes $22,000,000 for additional border patrol equipment and technology, to be funded from existing base resources for information resource management, as follows: $9,350,000 for infrared night vision scopes; $6,375,000 for night vision goggles; $4,050,000 for pocket scopes; and $2,225,000 for laser aiming modules and infrared target pointers/illuminators. Additionally, the conference agreement includes $3,000,000, funded from the existing base for information resource management, for the Law Enforcement Support Center, as described in the Senate report.

The conference agreement includes the following reports on border-related activities and technologies: (1) hand-held night-vision binocular report by March 1, 2000, as in the House report; (2) night vision obligation report by December 15, 1999, as in the House report; (3) all-light, all-weather ground surveillance capability report by March 1, 2000, as in the House report; (4) border patrol hiring and spending plan for fiscal year 1999 by September 15, 1999, as in the House report; (5) report on the situation in the Tucson sector by October 1, 1999, as in the House report; (6) fiscal year 1999 border patrol aviation final report; and (7) a feasibility report on the participation of the Tucson sector in the ambulance reimbursement program by January 15, 2000. All overdue reports are still expected to be submitted to the Committees. The conferees are aware of a recently filed lawsuit against the INS and the Army Corps of Engineers challenging the major drug interdiction effort known as Operation Rio Grande and its impact on the environment. The conferees are concerned about the potential adverse effects that this suit may have on drug interdiction efforts. The conferees, therefore, direct the Department of Justice, within 30 days of enactment, to provide the House and Senate Appropriations Committees with a report on the status of this lawsuit.

*IAFIS/IDENT.*—The conferees direct the Assistant Attorney General for Administration to submit a plan by November 1, 1999, to integrate the INS IDENT and the FBI IAFIS systems. This plan should address Congressional concerns that the current environment does not provide other Federal, State and local law enforcement agencies with access to fingerprint identification information captured by INS Border Patrol agents, nor does it provide the Border Patrol with the full benefit of FBI criminal history records when searching criminal histories of persons apprehended at the border.

The conferees direct that the following studies be undertaken: a system design effort; a joint INS–FBI criminality study, involving a matching of IDENT recidivist records against the Criminal Master File; a study to determine the operational impact of 10-printing apprehended illegal crossers at the border; and an engineering proposal for the first phase to determine the validity of the systems development costs that have been estimated by the FBI. These studies will provide the data necessary to project accurate costs for the remainder of the development and implementation. The conferees expect that the Justice Management Division will oversee the integration effort and that all existing INS base funds for IDENT will be controlled by the Assistant Attorney General for Administration. The Assistant Attorney General for Administration shall submit to the Committees a proposed spending plan on the use of existing base funds available for IDENT for these studies and other related expenditures no later than December 15, 1999.

*Deployment of border patrol resources.*—The conference agreement directs the INS to continue its consultation with the Committees on Appropriations of both the House and Senate before deployment of new border patrol agents included in this conference agreement. In recognition of the increased problems in and around El Centro, California; Tucson, Arizona; the Southeastern states; and around the Northern border, as described in both the House and Senate reports, the conferees expect that the proposed deployment plan submitted to the Committees by INS will include an appropriate distribution to address these needs.

*Interior enforcement.*—The conference agreement includes $5,000,000 in additional funding within existing resources to continue and to expand the local jail program pursuant to Public Law 105–141. The conferees direct the INS to staff the Anaheim City Jail portion of this program with trained INS personnel on a full-time basis, especially the portions of the day or night when the greatest number of individuals are incarcerated prior to arraignment.

The conference agreement includes the following reports: (1) by January 15, 2000, a report on possible new quick response teams (QRTs), as described in the House report; (2) by November 30, 1999, the revised interior enforcement plan, as described in the House report; and (3) by January 15, 2000, the local jail program status report, as described in the House report.

*Detention.*—The conference agreement provides $200,000,000 for additional detention space for detaining criminal and illegal aliens, as described in the House report, of which $174,000,000 is in direct appropriations and $26,000,000 is from recoveries from the Violent Crime Reduction Trust Fund for fiscal year 1995. This amount is $30,000,000 less than the budget request and is funded from direct appropriations instead of the requested combination of appropriated funds, reinstatement of Section 245(i), transfer of funds from the Crime Victims Fund and a reallocation of funds within the account. The conference agreement continues funding for the $80,000,000 for detention provided in fiscal year 1999 supplemental appropriations and provides an additional 1,216 new beds for a total of approximately 18,535 detention beds in fiscal year 2000, and provides 176 additional detention and deportation staff to support these beds and $4,000,000 and 10 positions to begin implementation of standards at detention facilities.

The conference agreement includes the concerns raised in the House report about

the INS's ability to plan for, request in a timely fashion, and manage sufficient detention space. Accordingly, the conference agreement includes the following reports: (1) by September 1, 1999, recommendations by the Attorney General on a Department-wide strategy on detention, as described in the House report; (2) by January 15, 2000, a detailed assessment of INS's current and projected detention needs for the next 3 years, as described in both the House and Senate reports, and including possible supplemental detention locations such as Etowah County Detention Center near Atlanta and Tallahatchie County prison in Tutwiler, a hiring plan for the additional detention and deportation personnel, and a proposal for the expansion of the number of juvenile detention beds; (3) by December 1, 1999, a report on the detention needs and costs associated with Operation Vanguard, as described in the House report; and (4) by March 1, 2000, a feasibility study and implementation plan for utilizing the Justice Prisoner and Alien Transportation System for a greater number of deportations. All overdue reports are still expected to be submitted to the Committees.

*Naturalization*.—The conference agreement includes full funding to continue the fiscal year 1999 Backlog Reduction Action Teams (BRAT) and accompanying resources during fiscal year 2000. The conference agreement includes the concerns raised in the House report about recently-discovered naturalization cases processed during the Citizenship USA initiative and requests a report on these cases by March 1, 2000, as described in the House report.

*Institutional Removal Program*.—The conferees assume that, in the implementation of the Institutional Removal Program (IRP), priority is given to violent offenders and those arrested for drug violations. The conferees direct the INS, in consultation with the Executive Office of Immigration Review, to report to the Committees on Appropriations on IRP caseload, by case type, for fiscal years 1997–1999. If the IRP caseload does not give priority to aliens imprisoned for serious violent felonies or drug trafficking, the INS is directed to explain why and to outline the steps it will take to focus IRP efforts on the most dangerous incarcerated aliens. The report shall be delivered not later than March 31, 2000.

*Other*.—In spite of the direction in the fiscal year 1999 supplemental appropriations Act to promptly submit all previously requested and overdue reports, the INS has failed to do so. Therefore, the conference agreement again includes the direction to INS to submit all outstanding reports to the Committees no later than November 1, 1999. The conference agreement also includes the following items: (1) Senate report language on special agent deployments aimed at forcing the INS to execute directives contained in both the fiscal year 1999 INS deployment plan and the conference report; (2) Senate direction to INS on assessment of staffing along the U.S.-Canadian border; and (3) Senate direction for INS-proposed periodic visits to the upper Shenandoah Valley.

OFFSETTING FEE COLLECTIONS

The conference agreement assumes $1,269,597,000 will be available from offsetting fee collections, instead of $1,285,475,000 as proposed by the House and $1,290,162,000 as proposed by the Senate, to support activities related to the legal admission of persons into the United States. These activities are entirely funded by fees paid by persons who are either traveling internationally or are applying for immigration benefits. The following levels are recommended:

*Immigration Examinations Fees*.—The conference agreement assumes $708,500,000 of spending from Immigration Examinations Fee account resources, instead of $712,800,000 as proposed by both the House and Senate. This is an increase of $19,921,000 over fiscal year 1999 and is due to an increase in the estimate of the number of applications that will be received in fiscal year 2000. The conference agreement assumes that the requested $3,794,000 for archives and records, the requested $30,000,000 for base restoration, and the requested $1,090,000 base for fiscal year 1999 adjustments to base are funded in this account, and not in the Salaries and Expenses, Citizenship and Benefits, Immigration Support and Program Direction account, since sufficient funds are available.

The conference agreement includes full funding to continue the fiscal year 1999 Backlog Reduction Action Teams (BRAT) and accompanying resources for fiscal year 2000. The agreement also continues funding for the implementation of a telephone customer service center to assist applicants for immigration benefits, for the indexing and conversion of INS microfilm images and for the records centralization initiative, and all projects which were funded in fiscal year 1999. The conferees have a strong interest in and supported in fiscal year 1999 the INS effort to modernize its records program, that is fundamental to improved services and enforcement activities. INS is therefore directed to fully fund the records centralization and redesign activities in Harrisonburg, VA and Lee Summit, MO and provide a progress report on records centralization to the Committee on Appropriations no later than January 15, 2000.

The agreement does not include the transfer to the Executive Office for Immigration Review, as proposed by the Senate report.

*Inspections User Fee*.—The conference agreement includes $446,151,000 of spending from offsetting collections in this account, the same amount proposed in both the House and Senate reports, and does not assume the addition of any new or increased fees on airline or cruise ship passengers. The recommendation does not include $9,918,000 for ''re-evaluation of receipts'' nor $888,000 for a portion of the annualization of 1999 pay raise which has already been paid in the current fiscal year. The agreement includes the data collection pilot program at J.F. Kennedy airport, as described in the House report, and the resulting report, to be submitted to the Committees no later than August 1, 2000, as well as the directive to submit certain documents by September 31, 1999, as described in the House report. The agreement does not include the transfer from the inspections user fee, as proposed in the Senate report.

*Land border inspections fees*.—The conference agreement includes $1,548,000 in spending from the Land Border Inspection Fund, a decrease of $1,727,000 under the current year due to lower projected receipts. The current revenues generated in this account are from Dedicated Commuter Lanes in Blaine and Port Roberts, Washington, Detroit Tunnel and Ambassador Bridge, Michigan, and Otay Mesa, California and from Automated Permit Ports that provide prescreened local border residents' border crossing privileges by means of automated inspections. The conference agreement includes the report on the feasibility of adding a secure electronic network for travelers rapid inspection program for dedicated commuter lanes at San Luis, Arizona by March 1, 2000, as described in the House report.

*Immigration Breached Bond/Detention account*.—The conference agreement includes $110,423,000 in spending from the Breached Bond/Detention account, instead of $117,501,000 in the House report and $127,771,000 in the Senate report, a decrease in $66,527,000 from fiscal year 1999 due to a decrease in revenue and $6,477,000 below the request. The level of spending assumed in the conference agreement is based on estimated revenues in this account totaling $55,683,000, which includes revenue projected for fiscal year 1999 and assumes the availability of funds from penalty fees from applications under 245(i) of the Immigration and Nationality Act, which expired on January 14, 1998. The conference agreement assumes $54,740,000 of expenses for alien detention costs provided under the salaries and expenses account for base restoration. The agreement does not include the base transfer to the breached bond/detention account, as proposed by the Senate report.

*Immigration Enforcement Fines*.—The conference agreement includes $1,850,000 in spending from Immigration Enforcement fines, instead of $1,303,000 assumed in both the House and Senate. The increase is due to new projections of carryover from fiscal year 1999 that will be available in fiscal year 2000.

*H–1B fees*.—The conference agreement includes $1,125,000 in spending from the new H–1B fee account, the amount requested and the amount proposed in both the House and Senate. This new account supports the processing of applications for H–1B temporary workers. The agreement does not include the transfer to this account, as proposed by the Senate report.

*Other*.—The conference agreement includes bill language, similar to that included in previous appropriations Acts, which provides: (1) up to $50,000 to meet unforeseen emergencies of a confidential nature; (2) for the purchase of motor vehicles for police-type use and for uniforms, without regard to general purchase price limitations; (3) for the acquisition and operation of aircraft; (4) for research related to enforcement of which up to $400,000 is available until expended; (5) up to $10,000,000 for basic officer training; (6) up to $5,000,000 for payments to State and local law enforcement agencies engaged in cooperative activities related to immigration; (7) up to $5,000 to be used for official reception and representation expenses; (8) up to $30,000 to be paid to individual employees for overtime; (9) that funds in this Act or any other Act may not be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis; (10) a specific level of funding for the Offices of Legislative and Public Affairs with a modification, and incorporating by reference House direction including that the level is not to affect the number of employees dedicated to casework; (11) a limit on the amount of funding available for non-career positions; (12) direction and authorization to the Attorney General to impose disciplinary actions, including termination of employment, for any INS employee who violates Department policies and procedures relative to granting citizenship or who willfully deceives the Congress or Department leadership on any matter; and (13) separate headings for Enforcement and Border Affairs and Citizenship and Benefits, Immigration Support, and Program Direction. In addition, new bill language is included designating a portion of funds to be used for narrowband conversion activities and transfers these funds to the Department of Justice Wireless Management Office. The agreement does not include the Senate provisions on fee payments by cash or cashier's checks or the cap on the number of positions.

CONSTRUCTION

The conference agreement includes $99,664,000 for construction for INS, instead of $90,000,000 as proposed in the House bill and $138,964,000 as proposed in the Senate bill. The conference agreement assumes

funding of $51,468,000, of which $35,968,000 is for border patrol and ports of entry new construction (seven stations or sector headquarters and two ports of entry housing) as proposed in the Senate report; $6,500,000 for the Douglas, Arizona border patrol station; and $9,000,000 for maintenance and renovations to the Charleston Border Patrol Academy. The agreement includes $2,340,000 for planning, site acquisition and design of 5 border patrol stations and Texas checkpoints, as in the House report; $6,000,000 for military engineering support to border construction, pursuant to both House and Senate reports; $500,000 for planning, site acquisition and design, pursuant to the House report; $10,308,000 for one-time build out costs; $19,250,000 for servicewide maintenance and repair; $4,000,000 for servicewide fuel storage tank upgrade and repair; and $5,798,000 for program execution. The conference agreement also includes bill language, included in fiscal year 1999 and in the House bill, prohibiting site, acquisition, design, or construction of any border patrol checkpoint in the Tucson sector.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $3,111,634,000 for the salaries and expenses of the Federal Prison System, instead of $3,072,528,000 as proposed in the House bill and $3,163,373,000 as proposed in the Senate bill. Of this amount, the conference agreement provides $22,524,000 from the Violent Crime Reduction Trust Fund (VCRTF), as proposed in the House bill, instead of $46,599,000 as proposed in the Senate bill. The agreement assumes that, in addition to the amounts appropriated, $90,000,000 will be available for necessary operations in fiscal year 2001 from unobligated carryover balances as proposed by the House bill, instead of $50,000,000, to be made available for one fiscal year for activation of new facilities, as proposed by the Senate bill.

The conference agreement reduces the appropriation required for the Federal prison system by $46,793,000 without affecting requested program levels. Specifically, $31,808,000 in savings is achieved as a result of delays in scheduled activations and $4,985,000 is due to a reduction in the number of contract beds for the transfer of detainees from the Immigration and Naturalization Service required in fiscal year 2000.

The conference agreement includes the notation on a recent report by the General Accounting Office, as in the House report.

The conference agreement includes bill language designating a portion of funds to be used for narrowband conversion activities and tranfers these funds to the Department of Justice Wireless Management Office.

BUILDINGS AND FACILITIES

The conference agreement includes $556,791,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners, as proposed in the House bill, instead of $549,791,000 as proposed in the Senate bill, and assumes funding in accordance with the House bill.

The conferees direct the Bureau of Prisons to submit to the Committees a study of the feasibility of constructing additional medium or high security prisons or work camps at existing Federal prison sites, including those currently being constructed, and including Yazoo City, by May 1, 2000.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of $3,429,000, as requested and as proposed in the Senate bill, instead of $2,490,000 as proposed in the House bill.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes $307,611,000 for Justice Assistance, instead of $217,436,000 as proposed in the House bill, and $373,092,000 as proposed in the Senate bill.

The conference agreement includes the following:

*Justice Assistance Programs*

(In thousands of dollars)

| | |
|---|---|
| National Institute of Justice | $43,448 |
| Defense/Law Enforcement Technology Transfer | (10,277) |
| DNA Technology R&D Program | (5,000) |
| Bureau of Justice Statistics | 25,505 |
| Missing Children | 19,952 |
| Regional Information Sharing System[1] | 20,000 |
| National White Collar Crime Center | 9,250 |
| Management and Administration[2] | 37,456 |
| Subtotal | 155,611 |
| Counterterrorism Programs: | |
| General Equipment Grants | 75,000 |
| State and Local Bomb Technician Equipment Grants | 10,000 |
| Training Grants | 37,000 |
| Counterterrorism Research and Development | 30,000 |
| Subtotal | 152,000 |
| Total, Bureau of Justice Assistance | 307,611 |

[1] $5,000,000 included in COPS Technology, for a total of $25,000,000.

[2] $2,000,000 is included in the total Management and Administration amount for Counterterrorism programs.

This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Office of Justice Programs in this conference report are to be spent.

*National Institute of Justice (NIJ).*—The conference agreement provides $43,448,000 for the National Institute of Justice, instead of $42,438,000 as proposed in the House bill and $50,948,000 in the Senate bill. Additionally, $5,200,000 for NIJ research and evaluation on the causes and impact of domestic violence is provided under the Violence Against Women Grants program; $15,000,000 is provided from within technology funding in the State and Local Law Enforcement account to be available to NIJ to develop new, more effective safety technologies for safe schools; and $20,000,000 is provided to NIJ, as was provided in previous fiscal years, from the Local Law Enforcement Block Grant for assisting local units to identify, select, develop, modernize and purchase new technologies for use by law enforcement.

The conference agreement adopts the recommendation in the House and Senate reports that within the overall amount provided to NIJ, the Office of Justice Programs is expected to review proposals, provide a grant if warranted, and report to the Committees on its intentions regarding: a grant for the current year level for information technology applications for High Intensity Drug Trafficking Areas; a grant for the current year level for a pilot program with a Department of Criminal Justice Training and a College of Criminal Justice for rural law enforcement needs, as described in the House report; a grant for $300,000 to the U.S.-Mexico Border Counties Coalition for the development of a uniform accounting proposal to determine the costs to border States for the processing of criminal illegal aliens; a grant for $250,000 to study the casework increase on U.S. District Courts; $360,000 to the Center for Child and Family studies to conduct research into intra-family violence; a grant for $750,000 for the University of Connecticut Prison Health Center for prison health research; a grant for $1,000,000 for the University of Mississippi School of Psychiatry for research in addictive disorders and their connection to youth violence; and a grant for $300,000 for research into a non-toxic drug detection and identification aerosol technology, as described in the Senate report. Within available funds NIJ is directed to carry out a broad-based demonstration of computerized live scan fingerprint capture services and report to the Committees with the results.

*Defense/Law Enforcement Technology Transfer.*—Within the total amount provided to NIJ, the conference agreement includes $10,277,000 to assist NIJ, in conjunction with the Department of Defense, to convert nonlethal defense technology to law enforcement use. Within the amount is the continuation at the current year level of the law enforcement technology center network, which provides States with information on new equipment and technologies, as well as assists law enforcement agencies in locating high cost/low use equipment for use on a temporary or emergency basis, of which the current year level is provided for the technology commercialization initiative at the National Technology Transfer Center and other law enforcement technology centers.

*DNA Technology Research and Development Program.*—Within the amount provided, the conference agreement includes $5,000,000 to develop improved DNA testing capabilities, as proposed in the House and Senate reports.

*Bureau of Justice Statistics (BJS).*—The conference agreement provides $25,505,000 for the Bureau of Justice Statistics, instead of $22,124,000 as proposed in the House bill and $28,886,000 as proposed in the Senate bill. The recommendation includes $400,000 to support the National Victims of Crime survey and $400,000 to compile statistics on victims of crime with disabilities. The conferees direct BJS to implement a voluntary annual reporting system of all deaths occurring in law enforcement custody, and provide a report to the Committees on its progress no later than July 1, 2000, as provided in the House report.

*Missing Children.*—The conference agreement provides $19,952,000 for the Missing Children Program as proposed in the Senate bill, instead of the $17,168,000 as proposed in the House bill. The conference agreement provides a significant increase and further expands the Missing Children initiative included in the 1999 conference report, to combat crimes against children, particularly kidnapping and sexual exploitation. Within the amounts provided, the conference agreement assumes funding in accordance with the Senate report including:

(1) $8,798,000 for the Missing Children Program within the Office of Justice Programs, Justice Assistance, including the following: $6,000,000 for State and local law enforcement to continue specialized cyberunits and to form new units to investigate and prevent child sexual exploitation which are based on the protocols for conducting investigations involving the Internet and online service providers that have been established by the Department of Justice and the National Center for Missing and Exploited Children.

(2) $9,654,000 for the National Center for Missing and Exploited Children, of which $2,125,000 is provided to operate the Cyber Tip Line and to conduct Cyberspace training. The conferees expect the National Center for Missing and Exploited Children to continue to consult with participating law enforcement agencies to ensure the curriculum, training, and programs provided with this

additional funding are consistent with the protocols for conducting investigations involving the Internet and online service providers that have been established by the Department of Justice. The conferees have included additional funding for the expansion of the Cyber Tip Line. The conference agreement includes $50,000 to duplicate the America OnLine law enforcement training tape and disseminate it to law enforcement training academies and police departments within the United States. The conference agreement also includes additional funds for case management.

(3) $1,500,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases. The conference agreement includes an increase for expansion of the Center to train additional law enforcement officers. The conferees direct the Center to create courses for judges and prosecutors to improve the handling of child pornography cases. To accomplish this effort, the conference agreement directs the Center to expand its in-house legal division so that it can provide increased legal technical assistance.

*Regional Information Sharing System (RISS).*—The conference agreement includes $20,000,000 as proposed in both the House and Senate bills. An additional $5,000,000 is provided for fiscal year 2000 under the Community Oriented Policing Services (COPS) law enforcement technology program in accordance with the House report.

*White Collar Crime Center.*—The conference agreement includes $9,250,000 for the National White Collar Crime Center (NWCCC), to assist the Center in forming partnerships and working on model projects with the private sector to address economic crimes issues, as proposed in the House bill, instead of $5,350,000 as proposed in the Senate bill. The additional funding is to be used in accordance with the House report.

*Counterterrorism Assistance.*—The conference agreement includes a total of $152,000,000 to continue the initiative to prepare, equip, and train State and local entities to respond to incidents of chemical, biological, radiological, and other types of domestic terrorism, instead of $74,000,000 as proposed in the House bill and $204,500,000 as proposed in the Senate bill. Funding is provided as follows:

—*Equipment Grants.*—$75,000,000 is provided for general equipment grants for State and local first responders, including, but not limited to, firefighters and emergency services personnel. The conferees reiterate that these resources are to be used to meet the needs of the maximum number of communities possible, based upon a comprehensive needs assessment which takes into account the relative risk to a community, as well as the availability of other Federal, State and local resources to address this problem. The conferees understand that such needs and risk assessments are currently being conducted by each State, and State-wide plans are being developed. The conferees intend, and expect, that such plans will address the needs of local communities. The conferees expect these plans to be reviewed by the interagency National Domestic Preparedness Office (NDPO). The conferees direct that funds provided for general grants in fiscal year 2000 be expended only upon completion of, and in accordance with, such State-wide plans.

—*State and Local Bomb Technician Equipment.*—$10,000,000 is provided for equipment grants for State and local bomb technicians. This amount, when combined with $3,000,000 in prior year carryover, will provide a total of $13,000,000 for this purpose in fiscal year 2000. The conferees note that State and local bomb technicians play an integral role in any response to a terrorist threat or incident, and as such should be integrated into a State's counterterrorism plan. The conferees request that the NDPO conduct an assessment of the assistance currently provided to State and local bomb technicians under this and other programs, the relationship of this program to other State and local first responders assistance programs, and the extent to which State and local bomb technician equipment needs have been integrated into, and addressed, as part of a State's overall counterterrorism plan. The NDPO should provide a report on its assessment to the Committees on Appropriations no later than February 1, 2000.

—*Training.*—$37,000,000 is provided for training programs for State and local first responders, to be distributed as follows:

(1) $27,000,000 is for the National Domestic Preparedness Consortium, of which $13,000,000 is for the Center for Domestic Preparedness at Ft. McClellan, Alabama, including $500,000 for management and administration of the Center; and $14,000,000 is to be equally divided among the four other Consortium members;

(2) $8,000,000 is for additional training programs to address emerging training needs not provided for by the Consortium or elsewhere. In distributing these funds, the conferees expect OJP to consider the needs of firefighters and emergency services personnel, and State and local law enforcement, as well as the need for State and local antiterrorism training and equipment sustainment training. The conferees encourage OJP to consider developing and strengthening its partnerships with the Department of Defense to provide training and technical assistance, such as those services offered by U.S. Army Dugway Proving Ground and the U.S. Army Pine Bluff Arsenal; and

(3) $2,000,000 is provided for distance learning training programs at the National Terrorism Preparedness Institute at the Southeastern Public Safety Institute to train 11,000 students, particularly in medium and small communities, through advanced distributive learning technology and other mechanisms.

The conferees are aware that the Department of Justice has recently agreed to assume control of the Ft. McClellan facility from the Department of Defense in fiscal year 2000. In addition, the conferees are aware that discussions are occurring which could result in the transfer of ownership of the entire facility from the Department of Defense to the Department of Justice. Such actions will result in the Department of Justice assuming a significant additional financial burden to operate and maintain the facility which previously was not anticipated, and may impact OJP's ability to provide support for all training programs. While the conferees recognize the importance of the training provided at Ft. McClellan, a comprehensive assessment of DOJ's needs at the facility is warranted to ensure that such needs are met in the most cost-effective manner possible. The Attorney General is directed to conduct this assessment and provide a report to the Committees on Appropriations no later than February 1, 2000. Further, the Department is directed not to pursue or assume any other relationships which may result in the Department of Justice assuming facilities management responsibility or ownership of any other training facility, without prior consultation with the Committees.

The Senate report language regarding utilization of Consortium members is adopted by reference. In addition, the conferees encourage OJP to collaborate with the National Guard to make use of the National Guard Distance Learning Network to deliver training programs, thereby capitalizing on investments made by the Department of Defense to provide low cost training to first responders.

*Counterterrorism Research and Development.*—The conference agreement provides $30,000,000 to the National Institute of Justice for research into the social and political causes and effects of terrorism and development of technologies to counter biological, nuclear and chemical weapons of mass destruction, as well as cyberterrorism through our automated information systems. These funds shall be equally divided between the Oklahoma City Memorial Institute for the Prevention of Terrorism and the Dartmouth Institute for Security Studies, and shall be administered by NIJ to ensure collaboration and coordination among the two institutes and NIJ, as well as with the National Domestic Preparedness Office and the Office of State and Local Domestic Preparedness Support. These institutes will also serve as national points of contact for antiterrorism information sharing among Federal, State and local preparedness agencies, as well as private and public organizations dealing with these issues. The conferees agree that such a collaborative approach is essential to production of a national research and technology development agenda and expect a status report by July 30, 2000.

The conference agreement includes language providing funding for counterterrorism programs in accordance with sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996, as proposed in the House bill. The conference agreement does not include language, proposed in the Senate bill, prohibiting the Bureau of Justice Assistance from providing funding to States that have failed to establish a comprehensive terrorism plan. The House bill did not include a similar provision.

*Management and Administration.*—The conference agreement includes $37,456,000 for Management and Administration, instead of $31,456,000 as proposed in the House, and $43,456,000 as proposed in the Senate. Within the amount, $2,000,000 is provided for Counterterrorism program activities. In addition, reimbursable funding from Violent Crime Reduction Trust Fund programs, Community Oriented Policing Services, and a transfer from the Juvenile Justice account will be provided for the administration of grants under these activities. Total funding for the administration of grants assumed in the conference agreement is as follows:

| | Amount | FTE |
|---|---|---|
| Direct appropriations | $37,456,000 | 338 |
| (Counterterrorism programs) | (2,000,000) | (16) |
| Transfer from Juvenile Justice programs | 6,647,000 | 87 |
| Reimbursement from VCRTF | 56,288,000 | 434 |
| Reimbursement from COPS | 4,700,000 | 39 |
| Total | $105,091,000 | 898 |

The conferees commend OJP's restructuring report, submitted to the Committees during fiscal year 1999, and support the current comprehensive review undertaken by the authorizing committees. To further the goals of eliminating possible duplication and overlap among OJP's programs, improving responsiveness to State and local needs, and ensuring that appropriated funds are targeted in a planned, comprehensive and well-coordinated way, the conferees direct the Assistant Attorney General for OJP to submit a formal reorganization proposal no later than February 1, 2000, on the following limited items: the creation of a ''one-stop'' information center; the establishment of ''state desks'' for geographically-based grant administration; and the administration of grants by subject area.

The conference agreement includes $2,000,000 for management and administration of Department of Justice counterterrorism programs. The conferees understand that the Department of Justice has submitted a reprogramming to establish an Office of State and Local Domestic Preparedness to administer these programs. The conferees have no objection to the establishment of this office.

The conference agreement does not include additional funding proposed in the Senate bill to enable the Department of Justice to begin to assume responsibility for counterterrorism assistance programs currently funded and administered by the Department of Defense. Such action could significantly impact ongoing Department of Justice programs, and absent careful consideration and study, may result in the duplication and inefficient use of limited resources to meet the needs of State and local first responders. Therefore, the conferees direct the Department of Justice, working through the National Domestic Preparedness Office, to review this matter and provide to the Committees on Appropriations no later than December 15, 1999, a comprehensive plan for the transition and integration of Department of Defense programs into ongoing Department of Justice and other Federal agency programs in the most efficient and cost-effective manner. The conferees expect the Department not to take any further actions to assume responsibility for these programs until such a review has been completed, and the Committees on Appropriations have been consulted. Upon completion of these actions, should additional funding be required by OJP, the Committees would be willing to entertain a reprogramming in accordance with section 605 of this Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes a total of $2,958,950,000 for State and Local Law Enforcement Assistance, instead of $2,822,950,000 as proposed in the House bill and $1,959,550,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $1,194,450,000 shall be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of $1,193,450,000 as proposed in the House bill and $1,407,450,000 as proposed in the Senate bill.

The conference agreement provides for the following programs from direct appropriations and the VCRTF:

| | |
|---|---|
| Direct Appropriation: | |
| Local Law Enforcement Block Grant | $523,000,000 |
| Boys and Girls Clubs | (50,000,000) |
| Law Enforcement Technology | (20,000,000) |
| State Prison Grants | 686,500,000 |
| Cooperative Agreement Program | (25,000,000) |
| Indian Country | (34,000,000) |
| Alien Incarceration | (165,000,000) |
| State Criminal Alien Assistance Program | 420,000,000 |
| Crime Identification Technology Program | 130,000,000 |
| Safe Schools Technology | (15,000,000) |
| Upgrade Criminal History Records | (35,000,000) |
| DNA backlog/CLIP | (30,000,000) |
| Indian Tribal Courts Program | 5,000,000 |
| Total Direct Appropriations | 1,764,500,000 |
| Violent Crime Reduction Trust Fund: | |
| Byrne Discretionary Grants | 52,000,000 |
| Byrne Formula Grants | 500,000,000 |
| Drug Courts | 40,000,000 |
| Juvenile Crime Block Grant | 250,000,000 |
| Violence Against Women Act Programs | 283,750,000 |
| State Prison Drug Treatment | 63,000,000 |
| Missing Alzheimer's Patients Program | 900,000 |
| Law Enforcement Family Support Programs | 1,500,000 |
| Motor Vehicle Theft Prevention | 1,300,000 |
| Senior Citizens Against Marketing Scams | 2,000,000 |
| Total, Violent Crime Reduction Trust Fund | 1,194,450,000 |

*Local Law Enforcement Block Grant.*—The conference agreement includes $523,000,000 for the Local Law Enforcement Block Grant program, as proposed in the House bill, instead of $400,000,000, as proposed in the Senate bill, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. Within the amount provided the conference agreement includes language providing $50,000,000 of these funds to the Boys and Girls Clubs of America, with the increase to be used as described by the Senate. In addition, the conference agreement extends the set aside for law enforcement technology for which an authorization had expired, as proposed in both the House and Senate bills.

*State Prison Grants.*—The conference agreement includes $686,500,000 for State Prison Grants as proposed by the House, instead of $75,000,000 as proposed by the Senate. Of the amount provided, $462,500,000 is available to States to build and expand prisons, $165,000,000 is available to States for reimbursement of the cost of criminal aliens, $25,000,000 is available for the Cooperative Agreement Program, and $34,000,000 is available for construction of jails on Indian reservations, which does not include repair and maintenance costs for existing facilities. There is an awareness of the special needs of Circle of Nations, ND.

*State Criminal Alien Assistance Program.*—The conference agreement provides a total of $585,000,000 for the State Criminal Alien Assistance Program for payment to the States for the costs of incarceration of criminal aliens, as proposed in the House bill, instead of $100,000,000, as proposed in the Senate bill. Of the total amount, the conference agreement includes $420,000,000 under this account for the State Criminal Alien Assistance Program and $165,000,000 for this purpose under the State Prison Grants program, as proposed by the House bill, instead of $100,000,000 for this program with no funds from the State Prison Grants program, as proposed by the Senate.

*Technology.*—The conference agreement includes $250,000,000 in total funding for law enforcement technology, as follows: $130,000,000 for a Crime Identification Technology Program under this heading, which includes $15,000,000 for use by NIJ for researching technology to make schools safe, $35,000,000 for grants to upgrade criminal history records, $30,000,000 for grants to states to reduce their DNA backlogs and for the Crime Laboratory Improvement Program (CLIP); $20,000,000 within the Local Law Enforcement Block Grant program to NIJ for assisting local units to identify, select, develop, modernize and purchase new technologies for use by law enforcement; and $100,000,000 for grants for law enforcement technology equipment under the Community Oriented Policing Services program heading.

*Crime Identification Technology Program.*—The conference agreement includes $130,000,000 for crime identification technology, instead of $260,000,000 as proposed in the Senate bill, and no funds, as proposed in the House bill, which proposed funding technology only in the Community Oriented Policing Services program, to be used and distributed pursuant to the Crime Identification Technology Act of 1998, P.L. 105–251. Under that Act, eligible uses of the funds are (1) upgrading criminal history and criminal justice record systems; (2) improvement of criminal justice identification, including fingerprint-based systems; (3) promoting compatibility and integration of national, State, and local systems for criminal justice purposes, firearms eligibility determinations, identification of sexual offenders, identification of domestic violence offenders, and background checks for other authorized purposes; (4) capture of information for statistical and research purposes; (5) developing multi-jurisdictional, multi-agency communications systems; and (6) improvement of capabilities of forensic sciences, including DNA. Within the amount provided, the OJP is directed to provide grants to the following, and report to the Committees on Appropriations of the House and the Senate: $7,500,000 for a grant to Kentucky for a statewide law enforcement technology program; and $7,500,000 for a grant for the Southwest Alabama Department of Justice's initiative to integrate data from various criminal justice agencies to meet Southwest Alabama's public safety needs.

*Safe Schools Technology.*—Within the amounts available for technology under this account, the conference agreement includes $15,000,000 for Safe Schools technology to continue funding NIJ's development of new, more effective safety technologies such as less obtrusive weapons detection and surveillance equipment and information systems that provide communities quick access to information they need to identify potentially violent youth, as described in the Senate report.

*Upgrade Criminal History Records (Brady Act).*—Within the amounts available for technology under this account, the conference agreement provides $35,000,000, instead of $40,000,000 as proposed by the Senate and as an authorized use of funds from within the Crime Identification Technology Act formula grant program funded in the Community Oriented Policing Services program as proposed by the House. The House report did not designate a specific dollar amount.

*DNA Backlog Grants/Crime Laboratory Improvement Program (CLIP).*—Within the amounts available for technology under this account, the conference agreement includes $30,000,000 for grants to States to reduce their DNA backlogs and for the Crime Laboratory Improvement Program (CLIP), as proposed by the Senate bill. The House provided funds for these programs through the Crime Identification Technology Act formula grant program funded in the Community Oriented Policing Services program. Within the amount made available under this program, it is expected that the OJP will review proposals, provide grants if warranted, and report to the Committees on its intentions regarding: a $2,000,000 grant to the Marshall University Forensic Science Program; a $3,000,000 grant to the West Virginia University Forensic Identification Program; $1,200,000 to the South Carolina Law Enforcement Division's forensic laboratory; a $500,000 grant to the Southeast Missouri Crime Laboratory; a $661,000 grant to the Wisconsin Laboratory to upgrade DNA technology and training; $1,250,000 for Alaska's crime identification program; and $1,900,000 to the National Forensic Science Technology Center, as described in the House report.

*Indian Tribal Courts.*—The conference agreement includes $5,000,000, as proposed in the Senate, which was not funded in the House bill, to assist tribal governments in the development, enhancement, and continuing operation of tribal judicial systems. These grants should be competitive, based upon the extent and urgency of the need of each applicant. OJP should report back to the Committees with its proposal as to how the program may be administered. The conferees note the special needs of the Wapka Sica Historical Society of South Dakota.

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

*Edward Byrne Grants to States.*—The conference agreement provides $552,000,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $52,000,000 is discretionary and $500,000,000 is provided for formula grants under this program.

*Byrne Discretionary Grants.*—The conference agreement provides $52,000,000 for discretionary grants under Chapter A of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program to be administered by Bureau of Justice Assistance (BJA), instead of $52,100,000 as proposed in the Senate bill, and $47,000,000 as proposed in the House bill. Within the amount provided for discretionary grants, the Bureau of Justice Assistance is expected to review the following proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions:

—$2,000,000 for the Alaska Native Justice Center;

—$1,000,000 for the Ben Clark Public Safety Training program for law enforcement officers;

—$100,000 for the Chattanooga Endeavors Program for ex-offenders;

—$3,000,000 for a cultural and diversity awareness training program for law enforcement officers in New York, Los Angeles, Chicago, Houston, and Atlanta, to be divided equally;

—$1,775,000 to continue the Drug Abuse Resistance Education (DARE America) program;

—$2,250,000 to continue the Washington Metropolitan Area Drug Enforcement Task Force and for expansion of the regional gang tracking system;

—$550,000 for the Kane County Child Advocacy Center for additional personnel for the prosecution of child sexual assault cases;

—$1,000,000 for a one-time grant to the Law Enforcement Innovation Center for law enforcement training;

—$500,000 for the community security program of the Local Initiative Support Corporation;

—$250,000 for the Long Island Anti-Gang Task Force;

—$1,000,000 for Los Angeles County's Roll Out Teams Program for one-time funding for independent investigations of officer-involved shootings;

—$1,000,000 for Los Angeles Police Department's Family Violence Response Teams for additional personnel to expand the existing pilot program;

—$4,500,000 for the Executive Office of the U.S. Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center;

—$3,000,000 for the National Center for Innovation at the University of Mississippi School of Law to sponsor research and produce judicial education seminars and training for court personnel in administering cases;

—$4,300,000 for the National Crime Prevention Council to continue and expand the National Citizens Crime Prevention Campaign (McGruff);

—$3,150,000 for the national motor vehicle title information system, authorized by the Anti-Car Theft Improvement Act for operating the system in the current States and to expand to additional States;

—$1,250,000 for the National Neighborhood Crime and Drug Abuse Prevention Program;

—$1,000,000 for the National Training and Information Center;

—$1,000,000 for the Nevada National Judicial College;

—$1,500,000 for the New Hampshire Operation Streetsweeper Program;

—$800,000 for the Night Light Program in San Bernadino, CA;

—$400,000 for the Western Missouri Public Safety Training Institute for public safety officers training;

—$750,000 for Operation Child Haven;

—$974,000 for the Utah State Olympic Public Safety Command to continue to develop and support a public safety master plan for the 2002 Winter Olympics;

—$1,250,000 for Project Return in New Orleans, LA;

—$1,000,000 for a Rural Crime Prevention and Prosecution program;

—$1,500,000 for the SEARCH program;

—$750,000 for the Tools for Tolerance program for a law enforcement training program; and

—$3,500,000 for the Consolidated Advanced Technologies for the Law Enforcement Program at the University of New Hampshire and the New Hampshire Department of Safety.

Within the available resources for Byrne discretionary grants, BJA is urged to review proposals, and provide grants if warranted, and report to the Committees on Appropriations of the House and Senate on its intentions regarding: the Haymarket House; Oregon Partnership; and Westcare.

The conferees are aware that, on certain limited occasions, the Office of Justice Programs has provided or made grants to pay overtime costs for State and local law enforcement personnel. The conferees expect OJP to submit, no later than January 31, 2000, a report on (1) its current policy on paying State and local overtime costs, (2) the extraordinary circumstances that might warrant a waiver of existing procedures, and (3) the process by which such a waiver could be granted.

*Byrne Formula Grants.*—The conference agreement provides $500,000,000 for the Byrne Formula Grant program, as proposed in Senate bill, instead of $505,000,000 as proposed in the House bill. The conference agreement includes language, as proposed in both bills, which makes drug testing programs an allowable use of grants provided to States under this program.

*Drug Courts.*—The conference agreement includes $40,000,000 for the drug courts as proposed both in the Senate and House bills. The conferees note that localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant and Juvenile Accountability Block Grant.

*Juvenile Accountability Block Grant.*—The conference agreement provides $250,000,000 for a Juvenile Accountability Incentive Block Grant program to address the growing problem of juvenile crime, as proposed in the House bill and instead of the $100,000,000 proposed in the Senate bill. The conference agreement includes language that continues by reference the terms and conditions for the administration of the Block Grants contained in the fiscal year 1999 appropriations bill, instead of listing those terms and conditions.

*Violence Against Women Grants.*—The conference agreement includes $283,750,000 for grants to support the Violence Against Women Act, as proposed in the Senate bill, instead of $282,750,000 as proposed in the House bill. Grants provided under this account are as follows:

| | |
|---|---|
| General Grants | $206,750,000 |
| Civil Legal Assistance | (28,000,000) |
| National Institute of Justice | (5,200,000) |
| D.C. Superior Court Domestic Violence | (1,196,000) |
| OJJDP-Safe Start Program | (10,000,000) |
| Violence on College Campuses | (10,000,000) |
| Victims of Child Abuse Programs: | |
| Court-Appointed Special Advocates | 10,000,000 |
| Training for Judicial Personnel | 2,000,000 |
| Grants for Televised Testimony | 1,000,000 |
| Grants to Encourage Arrest Policies | 34,000,000 |
| Rural Domestic Violence | 25,000,000 |
| Training Programs | 5,000,000 |
| Total | 283,750,000 |

Within the amount provided for General Grants, the conference agreement includes $28,000,000 exclusively for the purpose of augmenting civil legal assistance programs to address domestic violence, $5,200,000 for research and evaluation of domestic violence programs, $1,196,000 for continued support of the enhanced domestic prosecution unit within the District of Columbia, as proposed in the House report, $10,000,000 for continued support of the Safe Start program which provides direct intervention and treatment to youth who are victims, witnesses or perpetrators of violent crimes in order to attempt early treatment, and $10,000,000 to combat violent crime against women on college campuses, the latter as proposed in the Senate report.

*State Prison Drug Treatment.*—The conference agreement includes $63,000,000 for substance abuse treatment programs within State and local correctional facilities, as proposed in the House and Senate bills.

*Safe Return Program.*—The conference agreement includes $900,000 as proposed by both the House and Senate bills.

*Law Enforcement Family Support.*—The conference agreement includes $1,500,000 for law enforcement family support programs, as proposed in both the Senate and House bills.

*Senior Citizens Against Marketing Scams.*—The conference agreement includes $2,000,000 for programs to assist law enforcement in preventing and stopping marketing scams against senior citizens, as proposed by both the House and Senate bills.

*Motor Vehicle Theft Prevention.*—The conference agreement includes $1,300,000 for grants to combat motor vehicle theft as proposed by both the Senate and House bills.

WEED AND SEED PROGRAM

The conference agreement includes a direct appropriation of $33,500,000 for the Weed and Seed program, as proposed by the House bill, instead of $40,000,000 as proposed by the Senate bill. The conference agreement includes the expectation that $6,500,000 will be made available from the Asset Forfeiture Super Surplus Fund.

COMMUNITY ORIENTED POLICING SERVICES

The conference agreement includes $325,000,000 for the Community Oriented Policing Services (COPS) program, as proposed in the Senate bill, instead of $268,000,000 as proposed in the House bill. Of this amount, $45,000,000 is from the Violent Crime Reduction Trust Fund. This statement of managers reflects the conference agreement on

how funds provided for all programs under the Community Oriented Policing Services program in this conference report are to be spent.

*Police Hiring Initiatives.*—Funds have been provided since fiscal year 1994 to support grants for the hiring of 100,000 police officers, a goal which the President announced had been met in May of 1999. The conference agreement includes $352,000,000 for police hiring initiatives as follows: $180,000,000 from direct appropriations for school resource officers; $92,000,000 from direct appropriations for the universal hiring program (UHP); $40,000,000 from unobligated carryover balances for hiring police officers for Indian Country; and $40,000,000 from unobligated carryover balances from the fiscal year 1999 universal hiring program to continue to be used for the universal hiring program.

*Safe schools initiative (SSI).*—The conference agreement supports the concern expressed in the Senate and House reports regarding the level of violence in our children's schools as evidenced by the tragic events that have occurred around the Nation. In the past year, guns and explosives have been used by children against children and teachers more than ever before, leading many to believe this violence is ''out of control.'' To address this issue, the conference agreement includes $225,000,000 for the Safe Schools Initiative (SSI), including funds for technology development, prevention, community planning and school safety officers. Within this total, $180,000,000 is from the COPS hiring program to provide school resource officers who will work in partnership with schools and other community-based entities to develop programs to improve the safety of elementary and secondary school children and educators in and around schools; $15,000,000 is from the Juvenile Justice At-Risk Children's Program and $15,000,000 is from the COPS program ($30,000,000 total) for programs aimed at preventing violence in schools through partnerships with schools and community-based organizations; $15,000,000 is provided from the Crime Identification Technology Program to NIJ to develop technologies to improve school safety. Special note is made of the need for additional school resource officers in King County, Washington.

*Indian Country.*—The conference agreement includes $40,000,000 from unobligated carryover balances to improve law enforcement capabilities on Indian lands, both for hiring uniformed officers and for the purchase of equipment and training for new and existing officers, as proposed by the Senate.

*Management and Administration.*—The conference agreement also includes a provision that provides that not to exceed $17,325,000 shall be expended for management and administration of the program, as proposed in the Senate bill, instead of $25,500,000, as proposed in the House bill. A request for reprogramming or transfer of funds, pursuant to section 605 of this Act, would be entertained to increase this amount.

*Non-Hiring Initiatives.*—The conferees understand that the COPS program reached its goal of funding 100,000 officers in May of 1999. Having reached the original goals of the program, the conferees want to ensure there is adequate infrastructure for the new police officers, similar to the focus that has been provided Federal law enforcement over the past several years. The conferees believe this approach will enable police officers to work more efficiently, equipped with the protection, tools, and technology they need: to address crime in and around schools, provide law enforcement technology for local law enforcement, combat the emergence of methamphetamine in new areas and provide policing of ''hot spots'' of drug market activity, and provide bullet proof and stab proof vests for local law enforcement officers and correctional officers.

Specifically, the conferees direct the program to use $205,675,000, to be made available from a combination of $170,000,000 from unobligated carryover balances and the $35,675,000 from direct appropriations in this Act for COPS, to fund initiatives that will result in more effective policing. The conferees believe that these funds should be used to address these critical law enforcement requirements and direct the program to establish the following non-hiring grant programs:

*1. COPS Technology Program.*—The conference agreement includes the direction of $100,000,000 to be used for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. In particular, there is recognition of the importance of the sharing of criminal information and intelligence between State and local law enforcement to address multi-jurisdictional crimes.

Within the amounts made available under this program, the conference agreement includes the expectation that the COPS office will award grants for the following technology proposals:

—$1,450,000 for a grant for the Access to Court Electronic Data for Criminal Justice Agencies project;

—$1,000,000 for a grant for Alameda County, CA, for a voice communications system;

—$1,000,000 for a grant to the Greater Atlanta Data Center for law enforcement training technology for a multi-jurisdictional area;

—$350,000 for a grant to Birmingham, AL, for a Mobile Emergency Communication System;

—$60,000 for a grant to the Bolivar City Sheriff's Office (MS) for public safety equipment;

—up to $7,000,000 for the acquisition or lease and installation of dashboard mounted cameras for State and local law enforcement on patrol;

—$1,000,000 for a grant to Clackamas County, OR, for police communications equipment;

—$100,000 for a grant to Charles Mix County, SD, for Emergency 911 Service;

—$1,000,000 for a grant to the City of Fairbanks, AK, for a police radio and telecommunications system;

—$90,000 for a grant to the Fairbanks, AK, police for thermal imaging goggles;

—$430,000 for a grant to Greenwood County, SC, for technology upgrades;

—$1,000,000 for a grant for Hampton Roads, VA, for regional law enforcement technology;

—$100,000 for a grant for technology upgrades for the Harrison, NY, police department;

—$1,588,000 for a grant to Henderson, NV, for mobile data computers for law enforcement;

—$3,000,000 for a grant for video-teleconferencing equipment necessary to assist State and local law enforcement in contacting the Immigration and Naturalization Service to allow them to confirm the identification of illegal and criminal aliens in their custody;

—$1,333,000 for a grant to the city of Jackson, MS, for public safety and automated system technologies;

—$1,000,000 for Jefferson County, KY, for mobile data terminals for law enforcement;

—$400,000 for a grant to the Kauai, HI, County Police Department to enhance the emergency communications systems;

—$1,700,000 for a grant for the Kentucky Justice Cabinet for equipment to implement a sexual offender registration and community notification information system;

—$1,500,000 to the Law Enforcement On-Line Program;

—$100,000 for a grant for Lexington-Fayette, KY, law enforcement communications equipment;

—$200,000 for a grant for the Logan Mobile Data System;

—$2,300,000 for a grant to Los Angeles County for equipment relating to the criminal alien demonstration project;

—$3,000,000 for a grant to the Low Country, SC, Tri-County Police initiative to establish a regional law enforcement computer network;

—$112,000 for a grant to Lowell, MA, for police communications equipment;

—$150,000 for a grant to Martin County, KY, for technology for a public safety training program;

—$400,000 for a grant to the Maui County, HI, police department to enhance the emergency communications systems;

—$100,000 for a grant to Mineral County, NV, to upgrade technology;

—$2,500,000 for a grant to the Missouri State Court Administration for the Juvenile Justice Information System to enhance communication and collaboration between juvenile courts, law enforcement, schools, and other agencies;

—$425,000 for the Montana Juvenile Justice video-teleconferencing equipment;

—$5,000,000 to the National Center for Missing and Exploited Children to create a program that would provide targeted technology to police departments for the specific purpose of child victimization prevention and response;

—$800,000 for a grant to the National Center for Victims of Crime—INFOLINK;

—$1,500,000 for a grant to expand the demonstration program enabling local law enforcement officers to field-test a portable hand-held digital fingerprint and photo device which would be compatible with NCIC 2000;

—$28,000 for a grant to Nenana, AK, for mobile video and communications equipment;

—$60,000 for a grant to the New Rochelle, NY, Harbor Police Department for technology;

—$5,000,000 for a grant for the North Carolina Criminal Justice Information (CJIS-J-NET) for the final year of funding of the comprehensive integrated criminal information system, as described in the House report;

—$500,000 for a grant to the New Jersey State police for computers and equipment for a truck safety initiative;

—$107,000 for public safety and automated system technologies for Ocean Springs, MS;

—$2,500,000 for a grant for Project Hoosier SAFE-T;

—$150,000 for a grant to Pulaski County, KY, for technology for a public safety training program;

—$390,000 for a grant to Racine County, WI, for a countywide integrated computer aided dispatch management system and mobile data computer system;

—$5,000,000 for a grant to the Regional Information Sharing System (RISS) for RISS Secure Intranet to increase the ability of law enforcement member agencies to share and retrieve criminal intelligence information on a real-time basis;

—$200,000 for a grant to Riverside, CA, for law enforcement computer upgrades;

—$1,500,000 for a grant to Rock County, WI, for a law enforcement consortium;

—$550,000 for a grant to the Santa Monica, CA, police department for an automated Mobile Field Reporting System;

—$2,000,000 for a grant to the Seattle, WA, police department for forensic imaging equipment and computer upgrades;

—$800,000 for a one-time grant to the SECURE gunshot detection demonstration project for Austin, TX;

—$2,000,000 for a grant to the South Dakota Training Center for technology upgrades;

—$7,000,000 for a grant for the South Dakota Bureau of Information and Telecommunications to enhance their emergency communication system;

—$9,000,000 for a grant for the continuation of the Southwest Border States Anti-Drug Information System, which will provide for the purchase and deployment of the technology network between all State and local law enforcement agencies in the four southwest border States;

—$5,000,000 for the Utah Communications Agency Network (UCAN) for enhancements and upgrades of security and communications infrastructure relating to the 2002 Winter Olympics;

—$350,000 for the Union County, SC, Sheriff's Office for technology upgrades;

—$1,000,000 for Ventura County, CA, for an integrated justice system;

—$200,000 to the Vermont Department of Public Safety for a mobile command center;

—$4,000,000 to the Vermont Public Safety Communications Program;

—$1,000,000 to the St. Johnsbury, Rutland, and Burlington, VT, technology programs;

—$3,000,000 to the New Hampshire State Police VHF trunked digital radio system;

—$1,200,000 to Yellowstone County, MT, for Mobile Data Systems; and

—$650,000 to Yellowstone County, MT, Driving Simulator for law enforcement training equipment.

*2. COPS Methamphetamine/Drug ''Hot Spots'' Program*.—The conferees direct that $35,675,000 from direct appropriations be used for State and local law enforcement programs to combat methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The monies may also be used for policing initiatives in ''hot spots'' of drug market activity. The House bill proposed $35,000,000 and the Senate proposed $25,000,000 for this purpose.

Within the amount included for the Methamphetamine/Drug Hot Spots Program, the conference agreement expects the COPS office to award grants for the following programs:

—$1,000,000 to the Arizona Methamphetamine program to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$18,200,000 to continue the California Bureau of Narcotics Enforcement's Methamphetamine Strategy to support additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs;

—$50,000 to the Grass Valley, NV, Methamphetamine initiative to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$500,000 to the Illinois State Police to combat methamphetamine and to train officers in methamphetamine investigations;

—$1,200,000 to the Iowa Methamphetamine Law Enforcement initiative to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$750,000 to the Las Vegas Special Police Enforcement and Eradication Program of which $450,000 is for the Las Vegas Police Department and $300,000 is for the North Las Vegas Police Department to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$6,000,000 to the Midwest Methamphetamine initiative (MO) to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$525,000 to Nebraska's Clandestine Laboratory team to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$750,000 to the New Mexico methamphetamine program for additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs;

—$1,000,000 to the Northern Utah Methamphetamine Program for additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$1,000,000 to the Rocky Mountain Methamphetamine Program for additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$1,000,000 to the Tennessee Methamphetamine Program for additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$1,200,000 to the Tri-State Methamphetamine Training (IA/SD/NE) program to train officers from rural areas on methamphetamine interdiction, cover operations, intelligence gathering, locating clandestine laboratories, case development, and prosecution;

—$1,000,000 to form a Western Kentucky Methamphetamine training program and to provide equipment and manpower to form inter-departmental task forces; and

—$1,000,000 for the Western Wisconsin Methamphetamine Initiative for additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine.

The conference agreement expects the OJP to review a request from the Polk County, FL, Sheriff's office to provide additional capabilities to expand the methamphetamine program and provide a grant, if warranted.

*3. COPS Safe School Initiative (SSI)/School Prevention Initiatives*.—The conferees direct that $15,000,000 of unobligated carryover balances be used to provide grants to policing agencies and schools to provide resources for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address crime and disorder problems, gangs, and drug activities, as proposed in the House report. Within the overall amounts recommended for this program, the conference agreement includes the expectation that the COPS office will examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

—$250,000 for the Alaska Community in School Mentoring program;

—$500,000 for a grant to the Home Run Program to assist elementary and secondary schools with children beginning to engage in delinquent behavior;

—$300,000 for the Links to Community Demonstration Project;

—$3,000,000 for a grant to the Miami-Dade Juvenile Assessment Center for a safe school demonstration project;

—$541,000 for a grant to the Milwaukee schools' Summer Stars program;

—$2,000,000 for a grant to the National Center for Rural Law Enforcement for school violence research;

—$5,000,000 for training by the National Center for Missing and Exploited Children for law enforcement officers selected to be part of the Safe Schools Initiative;

—$1,000,000 to the School Crime Prevention and Security Technology Center;

—$500,000 for a grant to the University of Kentucky for research on school violence prevention;

—$200,000 for the evaluation of the Vermont SAFE-T program and Colchester Community Youth Project;

—$500,000 for the Youth Advocacy Program in South Carolina;

—$500,000 for the Youth Outreach program.

Within the amounts made available under this program, the conferers expect the COPS office to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committees on its intentions for each proposal: the ''Free to Grow'' program at Columbia University, and the Tuscaloosa Youth Violence Project.

*4. COPS Bullet-proof vests initiative*.—The conferees direct that $25,000,000 of unobligated carryover balances be used to provide State and local law enforcement officers with bullet-proof vests, the second year of the program, in accordance with Public Law 105–181.

*5. Police Corps*.—The conferees direct that $30,000,000 of unobligated carryover balances in the COPS program be used for Police Corps instead of the $25,000,000 proposed in the House bill. The Senate bill proposed $30,000,000 within the Local Law Enforcement Block Grant. The conference agreement includes funding for an annual data collection and reporting program on excessive force by law enforcement officers, pursuant to Subtitle D of Title XXI of the Violent Crime Control and Law Enforcement Act of 1994, as has been previously funded within the unobligated balances of this program. The conference agreement includes continued funding for this data collection in the same manner.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $287,097,000 for Juvenile Justice programs, instead of $286,597,000 as proposed in the House bill and $322,597,000 as proposed in the Senate bill. The conference agreement includes the understanding that changes to Juvenile Justice and Delinquency Prevention Programs are being considered in the reauthorization process of the Juvenile Justice and Delinquency Act of 1974. However, absent completion of this reauthorization process, the conference agreement provides funding consistent with the current Juvenile Justice and Delinquency Prevention Act. In addition, the conference agreement includes language that provides that funding for these programs shall be subject to the provisions of any subsequent authorization legislation that is enacted. The agreement includes a comprehensive mental health study of juveniles in the criminal justice system, as described in the House report.

*Juvenile Justice and Delinquency Prevention*.—Of the total amount provided, $269,097,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention programs including:

1. $6,847,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. $89,000,000 for Formula Grants for assistance to State and local programs (Part B).

3. $42,750,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C).

Within the amount provided for Part C discretionary grants, OJJDP is directed to review the following proposals, provide grants if warranted, and submit a report to the Committees on Appropriations of the House and the Senate on its intentions regarding:

—$500,000 to continue the Achievable Dream after school program;

—$50,000 for Catholic Charities, Inc. in Louisville, KY, for an after school program;

—$1,500,000 for the Center on Crimes/Violence Against Children;

—$250,000 for the Culinary Arts for At-Risk Youth in Miami-Dade, FL;

—$5,000,000 for the Innovative Partnerships for High Risk Youth;

—$650,000 for the Juvenile Justice Tribal Collaboration and Technical assistance;

—$600,000 for the Kids With A Promise program;

—$2,000,000 to continue the L.A. Best youth program;

—$500,000 for the L.A. Dads/Family programs;

—$500,000 to continue the L.A. Bridges after school program;

—$550,000 for Lincoln Action Programs-Youth Violence Alternative Project;

—$250,000 to continue the Low Country Children's Center program;

—$350,000 for Mecklenburg County's Domestic Violence HERO program;

—$1,500,000 for the Milwaukee Safe and Sound program;

—$3,000,000 for the Mount Hope Center for a youth program;

—$310,000 for the National Association of State Fire Marshals-Juvenile Firesetters initiative;

—$3,000,000 to continue funding for the National Council of Juvenile and Family Courts which provides continuing legal education in family and juvenile law;

—$1,900,000 for continued support for law-related education;

—$300,000 for the No Workshops . . . No Jump Shots program;

—$150,000 for the Operation Quality Time program;

—$3,000,000 for Parents Anonymous, to develop partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency;

—$750,000 for the Rio Arriba County, NM, after school program;

—$1,300,000 for the Suffolk University Center for Juvenile Justice;

—$1,000,000 for the University of Missouri-Kansas City Juvenile Justice Research Center for research;

—$150,000 for the United Neighborhoods of Northern Virginia youth program;

—$1,000,000 for the University of Montana to create a juvenile after-school program;

—$200,000 for the Vermont Association of Court Diversion programs to help prevent and treat teen alcohol abuse;

—$1,000,000 for the Youth Crime Watch Initiative of Florida; and

—$5,000,000 for the Youth ChalleNGe Program.

In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: the At Risk Youth Program in Wausau, Wisconsin; the Consortium on Children, Families, and the Law; the Hawaii Lawyers Care Na Keiki Law Center; for a juvenile justice program in Kansas City, MO; the Learning for Life program conducted by the Boy Scouts; the New Mexico Cooperative Extension Service 4–H Youth Development Program; OASIS; the Oklahoma State Transition and Reintegration Services (STARS); the Rapid Response Program, Washington/Hancock County, ME; the St. Louis City Regional Violence Prevention Initiative; and the University of South Alabama's Youth Violence Project.

4. $12,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes. Within the amount provided, OJJDP is directed to provide a grant of $50,000 for the Metro Denver Gang Coalition.

5. $10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. $13,500,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth through the use of mentors by bringing together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: a grant in an amount greater than the current year level for the Big Brothers/Big Sisters of America program; $1,000,000 for a grant to Utah State University for a pilot mentoring program that focuses on the entire family; and $1,000,000 for a grant to the Tom Osborne mentoring program.

7. $95,000,000 for Incentive Grants for Local Delinquency Prevention Programs (Title V), to units of general local government for delinquency prevention programs and other activities for at-risk youth. The Title V program provides funding on a formula basis to States, to be distributed by the States for use by local units of government and locally-based public and private agencies and organizations. Administration of these funds on a formula basis ensures fairness in the distribution process.

*Safe Schools Initiative (SSI).*—The conference agreement includes $15,000,000 within the Title V grants for the Safe Schools Initiative as proposed in the Senate report. In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: $2,500,000 for a grant to the Hamilton Fish National Institute on School and Community Violence; $500,000 for a grant to the University of Louisville for research; $1,250,000 for the Teens, Crime, and the Community Program; and a grant to the ''I Have a Dream'' Foundation for an at-risk youth program.

*Tribal Youth Program.*—The conference agreement includes $12,500,000 within the Title V grants for programs to reduce, control and prevent crime, as proposed in the Senate report.

*Enforcing the Underage Drinking Laws Program.*—The conference agreement includes $25,000,000 within the Title V grants for programs to assist States in enforcing underage drinking laws, as proposed in the Senate report. Projects funded may include: Statewide task forces of State and local law enforcement and prosecutorial agencies to target establishments suspected of a pattern of violations of State laws governing the sale and consumption of alcohol by minors; public advertising programs to educate establishments about statutory prohibitions and sanctions; and innovative programs to prevent and combat underage drinking. In addition, OJJDP is directed to examine the following proposal, provide a grant if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for the proposal: $1,000,000 for a grant to the Sam Houston State University and Mothers Against Drunk Driving for a National Institute for Victims Studies project.

*Drug Prevention Program.*—While crime is on the decline in certain parts of America, a dangerous precursor to crime, namely teenage drug use, is on the rise and may soon reach a 20-year high. The conference agreement includes $11,000,000, instead of $12,000,000 as proposed in the House bill, and no funds proposed in the Senate report, to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, or unattractive.

*Victims of Child Abuse Act.*—The conference agreement includes $7,000,000 for the programs authorized under the Victims of Child Abuse Act (VOCA), as proposed in the House bill. The agreement includes $7,000,000 to Improve Investigations and Prosecutions (Subtitle A) as follows:

—$1,000,000 to establish Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;

—$4,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

—$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

—$500,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes $32,541,000, as proposed by the House, instead of $36,041,000, as proposed by the Senate, in direct appropriations and assumes $2,261,071 in unobligated carryover balances which will fully fund anticipated payments.

In addition, the conference agreement assumes $2,339,000 in fiscal year 1999 unobligated carryover balances to pay for higher education for dependents of Federal, State and local public safety officers who are killed or permanently disabled in the line of duty.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

*Section 101.*—The conference agreement includes section 101, identical in both the House and Senate bills, which makes up to $45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

*Sec. 102.*—The conference agreement includes section 102, as proposed in the House bill, which continues certain authorities for the Department of Justice in fiscal year 2000 that were contained in the Department of Justice Appropriation Authorization Act, fiscal year 1980. The Senate bill did not contain a provision on this matter.

*Sec. 103.*—The conference agreement includes section 103, identical in both the House and Senate bills, which prohibits the use of funds to perform abortions in the Federal Prison System.

*Sec. 104.*—The conference agreement includes section 104, identical in both the House and Senate bills, which prohibits the use of funds to require any person to perform, or facilitate the performance of, an abortion.

*Sec. 105.*—The conference agreement includes section 105, identical in both the House and Senate bills, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

*Sec. 106.*—The conference agreement includes section 106, identical in both the House and Senate bills, which allows the Department of Justice to spend up to $10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed $2,000,000 per reward.

*Sec. 107.*—The conference agreement includes section 107, as proposed in the House bill, which continues the current 5% and 10% limitations on transfers among Department of Justice accounts, instead of limitations of 10% and 20%, respectively, as proposed in the Senate bill.

*Sec. 108.*—The conference agreement includes section 108, modified from language proposed in the House and Senate bills, which sets forth the grant authority of the Assistant Attorney General for the Office of Justice Programs.

*Sec. 109.*—The conference agreement includes section 109, as proposed in the House bill, which allows the Attorney General to waive certain Federal acquisition rules and regulations in certain instances related to counterterrorism and national security, and which prohibits the disclosure of financial records and identifying information of any corrections officer in an action brought by a prisoner. The Senate bill contained similar provisions as sections 109 and 110.

Sec. 110.—The conference agreement includes section 110, as proposed in the House bill, which continues a provision carried in the fiscal year 1999 Act regarding the payment of judgments under the Financial Institutions Reform, Recovery and Enforcement Act. The Senate bill contained a similar provision as section 111.

Sec. 111.—The conference agreement includes section 111, proposed as section 112 in the House bill, regarding the Chief Financial Officer of the Department of Justice. The Senate bill did not contain a provision on this matter.

Sec. 112.—The conference agreement includes section 112, proposed as section 114 in the House bill, which extends section 3024 of Public Law 106–31 to allow assistance and services to be provided to the families of the victims of Pan Am Flight 103. The Senate bill did not contain a provision on this matter.

*Sec. 113.*—The conference agreement includes section 113, proposed as section 115 in the House bill, which changes the filing fees for certain bankruptcy proceedings. The Senate bill did not contain a provision on this matter.

*Sec. 114.*—The conference agreement includes section 114, modified from language proposed as section 113 in the Senate bill, which prohibits the payment for certain services by the Marshals Service and the Immigration and Naturalization Service at a rate in excess of amounts charged for such services under the Medicare or Medicaid programs. The House bill addressed this matter in section 113.

*Sec. 115.*—The conference agreement includes section 115, modified from language proposed in the Senate bill, which prohibits funds in this Act from being used to pay premium pay to an individual employed as an attorney by the Department of Justice for any work performed in fiscal year 2000. The House bill did not include a provision on this matter.

*Sec. 116.*—The conference agreement includes section 116, proposed as section 117 in the Senate bill, which makes permanent a provision included in the fiscal year 1999 Act, and amended by Public Law 106–31, to clarify the term ''tribal'' for the purpose of making grant awards under title I of this Act. The House bill did not include a provision on this matter.

*Sec. 117.*—The conference agreement includes section 117, modified from language proposed as section 119 in the Senate bill, which provides a procedure to grant national interest waivers to physicians if they have served an aggregate of five years and will continue to serve in areas designated as medically underserved or at facilities under the jurisdiction of the Secretary of Veterans Affairs. This provision essentially restores the situation that existed for alien physicians prior to the Immigration and Naturalization Service decision in *New York State Department of Transportation*, and those physicians who filed prior to November 1, 1998, shall be granted a national interest waiver if they agree to serve three years in medically underserved areas or at facilities under the jurisdiction of the Secretary of Veterans Affairs. The House bill did not include a provision on this matter.

*Sec. 118.*—The conference agreement includes section 118, proposed as section 121 in the Senate bill, which permanently authorizes the land border inspection fee account. The House bill did not include a provision on this matter.

*Sec. 119.*—The conference agreement includes a new provision, section 119, to extend the authorities included in the fiscal year 1998 Act which authorized funds to be provided for the U.S. Attorneys victim witness coordinator and advocate program from the Crime Victims Fund. The conferees expect $6,838,000 will be used under this provision to continue to support the 93 victim witness coordinators and advocates who are assigned to various U.S. Attorneys offices, including victim support for the D.C. Superior Court, and $7,552,000 will be used to provide funding for the U.S. Attorneys to support the 77 victim witness workyears from pre–1998 allocations. The conferees expect that appropriate sums will be made available under this provision in succeeding fiscal years to continue this program at the current level.

*Sec. 120.*—The conference agreement includes a new provision, section 120, which authorizes the collection and analysis of DNA samples voluntarily contributed from the relatives of missing persons.

*Sec. 121.*—The conference agreement includes a new provision, section 121, which changes the entity to which electronic communication service providers report instances of child pornography.

## TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

### TRADE AND INFRASTRUCTURE DEVELOPMENT

### RELATED AGENCIES

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### SALARIES AND EXPENSES

The conference agreement includes $25,635,000 for the salaries and expenses of the Office of the United States Trade Representative, instead of $25,205,000 as proposed in the House bill, and $26,067,000 as proposed in the Senate bill.

The increase over the fiscal year 1999 appropriation provides for adjustments to base operations to maintain the current level of operations, and program increases requested for Washington-based security, travel, and translation services. The conferees concur with language in the House report related to the upcoming World Trade Organization Ministerial Meeting.

#### INTERNATIONAL TRADE COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes $44,495,000 and $2,500,000 in carryover for the salaries and expenses of the International Trade Commission (ITC) as proposed in the House bill, instead of $45,700,000 as proposed in the Senate bill. The recommended funding will allow the ITC to operate at a level very close to the amount of the budget request, and permit the Commission to carry out planned activities.

### DEPARTMENT OF COMMERCE

#### INTERNATIONAL TRADE ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

The conference agreement includes $311,503,000 in new budgetary resources for the operations and administration of the International Trade Administration for fiscal year 2000, of which $3,000,000 is derived from fee collections, instead of $298,236,000 as proposed by the House bill, and $311,344,000 as proposed by the Senate bill. In addition to this amount, the conference agreement assumes $2,000,000 in prior year carryover, resulting in a total fiscal year 2000 availability of $313,503,000.

The following table reflects the distribution of funds by activity included in the conference agreement:

| | |
|---|---|
| Trade Development | $62,376,000 |
| Market Access and Compliance | 19,755,000 |
| Import Administration | 32,473,000 |
| U.S. & F.C.S. | 186,693,000 |
| Executive Direction and Administration | 12,206,000 |
| Fee Collections | (3,000,000) |
| Prior Year Carryover | (2,000,000) |
| Total, ITA | 308,503,000 |

*Trade Development (TD).*—The conference agreement provides $62,376,000 for this activity. Of the amounts provided, $50,621,000 is for the TD base program, $9,000,000 is for the National Textile Consortium, and $3,000,000 is provided for the Textile/Clothing Technology Corporation. Further, the conference agreement includes $255,000 for the Access Mexico program and $500,000 for continuation of the international global competitiveness initiative recommended in the House report.

*Market Access and Compliance (MAC).*—The conference agreement includes a total of $19,755,000 for this activity. Of the amounts provided, $18,810,000 is for the base program, $500,000 is for the strike force teams initiative proposed in the budget, and $500,000 is for the trade enforcement and compliance initiative proposed in the budget.

*Import Administration.*—The conference agreement provides $32,473,000 for the Import Administration.

*U.S. and Foreign Commercial Service (U.S. & FCS).*—The conference agreement includes $186,693,000 for the programs of the U.S. & FCS, to maintain the current level of operations. The conferees concur with language in the House report concerning the Rural Export Initiative and the Global Diversity Initiative.

*Executive Direction and Administration.*—The conference agreement includes $12,206,000 for the administrative and policy functions of the ITA. This amount does not include funding requested for transfer to centralized services.

ITA should also follow the direction included in the House report regarding trade missions, and the direction in the Senate report relating to the Hannover World Fair. ITA is also expected to follow the direction and submit the reports referenced in both the House and Senate reports relating to foreign currency exchange rate gains, and to

provide the report on trade show revenues requested in the House report.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $54,038,000 for the Bureau of Export Administration (BXA), instead of $49,527,000 as proposed in the House bill and $55,931,000 as proposed in the Senate bill. The conference agreement assumes $739,000 will be available from prior year carryover, resulting in total availability of $54,777,000. Of this amount, $23,878,000 is for Export Administration, including a program increase of $750,000 for Chemical Weapons Convention inspection activities; $23,534,000 is for Export Enforcement, including a program increase of $500,000 for computer export verification; $4,365,000 is for Management and Policy Coordination, including a program increase of $1,000,000 for the redesign and replacement of the Export Control Automated Support System; and $3,000,000 is for the Critical Infrastructure Assurance Office (CIAO).

The CIAO was created by Presidential Decision Directive 63 (PDD–63) as an interim agency to facilitate coordination and integration among Federal agencies as those agencies develop and implement their own critical infrastructure protection and awareness plans. The conferees are concerned that the fiscal year 2000 budget for the CIAO proposes a number of initiatives which would expand the role of the CIAO beyond its coordination and integration function, and create new programs and activities which may be duplicative of activities and responsibilities assigned to other Federal agencies. The conferees believe the amount provided, which also reflects the fact that, in fiscal year 2000, 25 staff detailed from other agencies will not be provided to the CIAO on a non-reimbursable basis, will enable the CIAO to perform its functions as provided for in PDD–63. The conferees expect the CIAO to provide a spending plan for fiscal year 2000 to the Committees on Appropriations no later than December 1, 1999.

The conference agreement does not include language included in the Senate bill, allowing funds to be used for rental of space abroad and expenses of alteration, repair, or improvement.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $361,879,000 for Economic Development Administration grant programs, instead of $364,379,000 as proposed in the House bill, and $203,379,000 as proposed in the Senate bill.

Of the amounts provided, $205,850,000 is for Public Works and Economic Development, $34,629,000 is for Economic Adjustment Assistance, $77,300,000 is for Defense Conversion, $24,000,000 is for Planning, $9,100,000 is for Technical Assistance, including University Centers, $10,500,000 is for Trade Adjustment Assistance, and $500,000 is for Research. EDA is expected to allocate this funding in accordance with the direction included in the House report.

The conference agreement does not include language included in the House bill relating to attorneys' fees, since that language was included in the EDA reauthorization legislation (P.L 105–393) enacted in 1998. The conference agreement makes funding under this account available until expended, as proposed in the Senate bill.

SALARIES AND EXPENSES

The conference agreement includes $26,500,000 for salaries and expenses of the EDA, instead of $24,000,000 as proposed in the House bill, and $24,937,000 included in the Senate bill. This funding is to enable EDA to maintain its existing level of operations, which in the past has been partially funded by non-appropriated sources of funding that are not expected to be available in fiscal year 2000.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $27,314,000 for the programs of the Minority Business Development Agency (MBDA), instead of $27,000,000 included in the House bill and $27,627,000 included in the Senate bill. The conference agreement assumes that MBDA will continue its support for the Entrepreneurial Technology Apprenticeship Program at the current level, as directed in the House report.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conferees have provided $49,499,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, instead of $48,490,000 as proposed in the House bill and $51,158,000 as proposed in the Senate bill. The conferees support the Bureau of Economic Analysis' initiative of updating and improving statistical measurements of the U.S. economy and its measurement of international transactions. The conference agreement concurs with the directive included in the House report regarding the Integrated Environmental-Economic Accounting initiative.

The travel and tourism industry makes a substantial contribution to the economy. A satellite account for travel and tourism has the potential to provide objective, thorough data to inform policy decisions. The Bureau is directed to provide a report on the advisability, utility, and relative priority of establishing a satellite account for travel and tourism by March 1, 2000.

BUREAU OF THE CENSUS

The conference agreement includes a total of $4,758,573,000 for the Bureau of the Census for fiscal year 2000, of which $4,476,253,000 is provided as an emergency appropriation, instead of $4,754,720,000 as proposed in the House bill, of which $4,476,253,000 was proposed as an emergency appropriation, and $3,071,698,000 as proposed in the Senate bill as a direct appropriation.

SALARIES AND EXPENSES

The conference agreement includes $140,000,000 for the Salaries and Expenses of the Bureau of the Census for fiscal year 2000, instead of $136,147,000 as proposed in the House bill, and $156,944,000 as proposed in the Senate bill.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement includes $4,618,573,000, of which $4,476,253,000 is an emergency appropriation, as proposed in the House bill, instead of $2,914,754,000 in direct appropriations as proposed in the Senate bill.

*Decennial Census Programs.*—The conference agreement includes an emergency appropriation of $4,476,253,000 for the 2000 decennial census as proposed in the House bill, instead of $2,764,545,000 in direct appropriations as proposed in the Senate bill. The following represents the distribution of funds provided for the 2000 Census:

| | |
|---|---|
| Program Development and Management | $20,240,000 |
| Data Content and Products | 194,623,000 |
| Field Data Collection and Support Systems | 3,449,952,000 |
| Address List Development | 43,663,000 |
| Automated Data Process and Telecommunications Support | 477,379,000 |
| Testing and Evaluation | 15,988,000 |
| Puerto Rico, Virgin Islands and Pacific Areas | 71,416,000 |
| Marketing, Communications and Partnerships | 199,492,000 |
| Census Monitoring Board | 3,500,000 |
| Total, Decennial Census | 4,476,253,000 |

The conference agreement does not provide funding for the Continuous Measurement program in the decennial census program as proposed in the Senate bill, but instead continues funding for this program under Other Periodic Programs as proposed in the House bill.

The conferees share the concerns expressed in the House report regarding the Bureau's ability to accurately project its funding requirements, and provide timely information regarding its needs to the Committees. The conferees expect the Bureau to follow the direction included in the House report requiring monthly reports on the obligation of funds against each framework. The conferees remind the Bureau that reallocation of resources among the frameworks listed above are subject to the requirements of section 605 of this Act.

The conferees remain concerned about the implementation of the decennial census in areas like Alaska, where most of the State is not accessible by road and many people speak languages other than English. The conferees encourage the Bureau to continue working with all interested parties in Alaska to ensure that full and complete census data is received from remote locations and the State's migratory populations.

In addition, the conferees encourage the Bureau to continue to explore the possible use of data collected in the decennial census from Puerto Rico in national summary data products and expect the Bureau to report to the Committees as directed in the House report. The conference agreement adopts by reference the House report language regarding enumeration of deaf persons in the 2000 Census.

The conference agreement includes language designating the amounts provided for each decennial framework as proposed in the House bill. Should the operational needs of the decennial census necessitate the transfer of funds between these frameworks, the Bureau may transfer such funds as necessary subject to the standard transfer and reprogramming procedures set forth in sections 205 and 605 of this Act. Language is also included designating the entire amount provided for the decennial census as an emergency requirement as proposed in the House bill. The Senate bill did not contain similar provisions. In addition, the conference agreement includes language designating funding under this account for the expenses of the Census Monitoring Board as proposed in the House bill. The Senate bill did not include a similar provision, but instead included funding for the Board as a separate appropriation under Title V.

*Other Periodic Programs.*—The conference agreement includes $142,320,000 for other periodic censuses and programs as proposed in the House bill, instead of $125,209,000 as proposed in the Senate bill. The following table represents the distribution of funds provided for other non-decennial periodic censuses and related programs:

| | |
|---|---|
| Economic Censuses | $46,444,000 |
| Census of Governments | 3,735,000 |
| Intercensal Demographic Estimates | 5,260,000 |
| Continuous Measurement | 20,000,000 |
| Demographic Survey Sample Redesign | 4,478,000 |
| Electronic Information Collection (CASIC) | 6,000,000 |

| | |
|---|---|
| Geographic Support | 33,406,000 |
| Data Processing Systems | 22,997,000 |
| Total | 142,320,000 |

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $10,975,000 for National Telecommunications and Information Administration (NTIA) salaries and expenses, instead of $10,940,000 as proposed in the House bill, and $11,009,000 as proposed in the Senate bill. The conference agreement assumes that NTIA will receive an additional $20,844,000 through reimbursements from other agencies for the costs of providing spectrum management, analysis and research services to those agencies.

The conferees direct the General Accounting Office to review the relationship between the Department of Commerce and the Internet Corporation for Assigned Names and Numbers (ICANN) and to issue a report no later than June, 2000. The conferees request that GAO review: (1) the legal basis for the selection of U.S. representatives to ICANN's interim board and for the expenditure of funds by the Department for the costs of U.S. representation and participation in ICANN's proceedings; (2) whether U.S. participation in ICANN proceedings is consistent with U.S. law, including the Administrative Procedures Act; (3) a legal analysis of the Department of Commerce's opinion that OMB Circular A–25 provides ICANN, as a ''project partner'' with the Department of Commerce, authority to impose fees on Internet users for ICANN's operating costs; and (4) whether the Department has the legal authority to transfer control of the authoritative root server to ICANN. In addition, the conferees seek GAO's evaluation and recommendations regarding placing responsibility for U.S. participation in ICANN under the National Institute of Standards and Technology rather than NTIA, and request that GAO review the adequacy of security arrangements under existing Departmental cooperative agreements.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $26,500,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program, instead of $18,000,000 as proposed in the House bill, and $30,000,000 as proposed in the Senate bill. NTIA is expected to use this funding for the existing equipment and facilities replacement program, and to maintain an acceptable balance between traditional grants and those stations converting to digital broadcasting.

The conference agreement contains language, similar to a provision carried in fiscal year 1999, permanently making the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) program eligible to compete for funding under this account, as proposed in the Senate bill.

The conference agreement retains the statutory citation for the program as proposed in the House bill, instead of the citations proposed in the Senate bill.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes $15,500,000 for NTIA's Information Infrastructure Grant program, instead of $13,000,000 as proposed in the House bill, and $18,102,000 as proposed in the Senate bill.

The conferees concur with both the House and Senate reports, which identify overlap between funding provided under this program and funding provided under Department of Justice, Office of Justice Programs, with respect to law enforcement communication and information networks, and which recommend that this program not be used to fund projects for which other sources of funding are available. The conferees also concur with language in the House report emphasizing the importance of increased telecommunications access in areas where service is not readily available and where assistance is not available through other mechanisms.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement provides a total funding level of $871,000,000 for the Patent and Trademark Office (PTO), instead of $851,538,000 as proposed in the House bill, and $901,750,000 as proposed in the Senate bill. Of this amount, $755,000,000 is to be derived from fiscal year 2000 offsetting fee collections, and $116,000,000 is to be derived from carryover of prior year fee collections. This amount represents an increase of $86,000,000, or 11%, above the fiscal year 1999 operating level of the PTO.

The conference agreement includes language limiting the amount of carryover that may be obligated in fiscal year 2000 to $116,000,000, to conform to recently enacted authorization legislation, as proposed in the House bill.

The conference agreement also includes new language limiting the amount of fees in excess of $755,000,000 that becomes available for obligation on October 1, 2000 to $229,000,000.

The PTO is expected to follow the direction included in the House report concerning its partnership with the National Inventor's Hall of Fame and Inventure Place.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement includes $7,972,000 for the Technology Administration, as proposed in both the House and Senate bills. No funds are made available beyond fiscal year 2000, as proposed in the House bill, instead of $600,000 made available through fiscal year 2001, as proposed in the Senate bill. The conferees concur with the direction contained in both the House and Senate reports.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $283,132,000 for the internal (core) research account of the National Institute of Standards and Technology, instead of $280,136,000 as proposed in the House bill, and $288,128,000 as proposed in the Senate bill.

The conference agreement provides funds for the core research programs of NIST as follows:

| | |
|---|---|
| Electronics and Electrical Engineering | $38,771,000 |
| Manufacturing Engineering | 19,560,000 |
| Chemical Science and Technology | 32,493,000 |
| Physics | 28,697,000 |
| Material Sciences and Engineering | 52,010,000 |
| Building and Fire Research | 15,331,000 |
| Computer Science and Applied Mathematics | 45,352,000 |
| Technology Assistance | 17,723,000 |
| Baldrige Quality Awards | 4,958,000 |
| Research Support | 29,237,000 |
| Subtotal, STRS | 284,132,000 |
| Deobligations | (1,000,000) |
| Total, STRS | 283,132,000 |

The increase provided in the conference agreement above fiscal year 1999 is largely to fund increases in base requirements. The conference agreement also includes sufficient funding for selected program increases for the highest priority programs in computer science and applied mathematics and in technology assistance, and $1,600,000 to continue the disaster research program on effects of windstorms on protective structures and other technologies begun in fiscal year 1998. NIST is directed to follow the guidance included in the House report regarding the placement of NIST personnel overseas.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $247,436,000 for the NIST external research account instead of $99,836,000 as proposed in the House bill, and $336,336,000 as proposed in the Senate bill.

*Manufacturing Extension Partnership Program.*—The conference agreement includes $104,836,000 for the Manufacturing Extension Partnership Program (MEP), instead of $99,836,000 as proposed in the House bill, and $109,836,000 as proposed in the Senate bill. The conference agreement does not contain the limitation on a Center's level of funding proposed in the House bill.

The conferees concur with the Senate direction that the Northern Great Plains Initiative e-commerce project should assist small manufacturers for marketing and business development purposes in rural areas.

*Advanced Technology Program.*—The conference agreement includes $142,600,000 for the Advanced Technology Program (ATP), instead of $226,500,000 as proposed in the Senate bill, and no funding as proposed in the House bill. This is $60,900,000 below the fiscal year 1999 appropriation, and $96,100,000 below the original request. At the end of fiscal year 1999, the Administration revised the overall level requested for the program downward from $251,500,000 to $215,000,000, in part because the amount awarded for new grants in fiscal year 1999 totaled $41,500,000, which was $24,500,000 below the amount available for new awards. The amount of carryover into fiscal year 2000 was also substantially higher than had been anticipated. The requested level of new awards for fiscal year 2000 was also revised downward from $73,000,000 to $54,700,000. The funding levels contained in the conference agreement were considered in response to that revised request.

The recommendation provides the following: (1) $115,100,000 for continued funding requirements for awards made in fiscal years 1996, 1997, 1998, and 1999, to be derived from $46,700,000 in fiscal year 2000 funding, $64,600,000 from excess balances available from prior years, and $3,800,000 in anticipated deobligations in fiscal year 2000; (2) $50,700,000 for new awards in fiscal year 2000; and (3) $45,200,000 for administration, internal NIST lab support and Small Business Innovation Research requirements.

The conference agreement permits up to $500,000 of funding to be transferred to the Working Capital Fund, as proposed in the Senate bill.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides $108,414,000 for construction, renovation and maintenance of NIST facilities, instead of $56,714,000 as proposed in the House bill, and $117,500,000 as proposed in the Senate bill.

Of this amount, $84,916,000 is for construction of the Advanced Metrology Laboratory. This will provide the balance of funds needed to initiate construction. Total funding available for construction, including funding provided in previous years, is $203,300,000. The conference agreement includes bill language making the $84,916,000 provided for this Laboratory available upon submission of a

spending plan in accordance with Section 605 of this Act.

In addition, $11,798,000 is provided for safety, capacity, maintenance and major repair of NIST facilities.

In addition, $11,700,000 is provided for grants and cooperative agreements.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding level of $2,298,736,000 for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of $1,956,838,000 as proposed by the House, and $2,556,876,000 as proposed by the Senate. Of these amounts, the conferees have included $1,658,189,000 in the Operations, Research, and Facilities (ORF) account, $589,067,000 in the Procurement, Acquisition and Construction (PAC) account, and $51,480,000 in other NOAA accounts.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes $1,658,189,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration instead of $1,475,128,000 as proposed by the House, and $1,783,118,000 as proposed by the Senate.

In addition to the new budget authority provided, the conference agreement allows a transfer of $68,000,000 from balances in the account titled ''Promote and Develop Fishery Products and Research Related to American Fisheries'', instead of $67,226,000 as proposed by the House, and instead of $66,426,000 as proposed by the Senate. In addition, the conference agreement reflects prior year deobligations totaling $36,000,000, unobligated balances of $2,652,000, and $4,000,000 in offsets from fee collections.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA line offices. The Senate bill contained no similar provision.

The conference agreement includes language, as proposed by the House, which was adopted in the fiscal year 1999 appropriations Act, designating the amounts available for Executive Direction and Administration, and prohibiting augmentation of such offices through formal or informal personnel details, transfers, or reimbursements above the current level.

The conference agreement does not include or assume language proposed by the House, making the use of deobligated balances subject to standard reprogramming procedures. The conferees direct that any use of deobligations over and above the $36,000,000 assumed by the conference agreement will be undertaken only under the procedures set forth in section 605 of this Act.

The conference agreement does not include $34,000,000 in controversial new fisheries and navigation safety fees that were proposed in the budget request, although no details on the proposal were forthcoming. The House bill did not legislate the fees, but did assume the revenue from those fees would be available.

*Budgetary and Financial Matters.*—Language in the House report is adopted by reference relating to: (1) a revised budget structure, with the requested reports due by February 1, 2000; and (2) an operating plan for expenditure of funds, with the report due 60 days after the date of enactment.

*Peer Review.*—Language in the House report requiring peer review of all NOAA research is adopted by reference.

*NOAA Commissioned Corps.*—The conference agreement does not include bill language, as proposed by the House, setting a ceiling on the number of commissioned corps officers at not more than 250 by September 30, 2000. The Senate bill did not include a similar provision. With respect to the commissioned corps, as it is authorized by P.L. 105–384, the conferees understand that NOAA plans to reach a level of about 250 officers by the end of the fiscal year, up from the current level of 224, and expect to be notified if plans change significantly from that level.

The conference agreement includes language proposed by the House, providing such funds as may be necessary for NOAA commissioned corps retirement costs.

The conference agreement does not include a provision, as proposed by the Senate, permitting the Secretary to have NOAA occupy and operate research facilities at Lafayette, Louisiana.

NOAA is directed to report by March 1, 2000, on any requirement for new space for NOAA employees in the Gulf of Mexico area, including an explanation of the need for such space, and options for, and estimated costs of, obtaining the space. The report should also address the existing space that NOAA occupies in the area, and what would happen to the existing space.

The following table reflects the distribution of the funds provided in this conference agreement:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH AND FACILITIES—FISCAL YEAR 2000

| | FY99 enacted | FY00 request | FY00 House | FY00 Senate | FY00 conference |
|---|---|---|---|---|---|
| NATIONAL OCEAN SERVICE | | | | | |
| Navigation Services: | | | | | |
| Mapping and Charting | 34,260 | 33,335 | 32,100 | 36,335 | 35,298 |
| Address Survey Backlog | 14,000 | 14,900 | 14,000 | 14,900 | 18,900 |
| Subtotal | 48,260 | 48,235 | 46,100 | 51,235 | 54,198 |
| Geodesy | 19,659 | 19,849 | 19,659 | 21,415 | 20,159 |
| Tide and Current Data | 12,000 | 14,883 | 12,390 | 15,273 | 12,390 |
| Acquisition of Data | 14,546 | 17,726 | 14,546 | 17,726 | 15,546 |
| Total, Navigation Services | 94,465 | 100,693 | 92,695 | 105,649 | 102,293 |
| Ocean Resources Conservation and Assessment: | | | | | |
| Ocean Assessment Program | 42,611 | 46,281 | 26,861 | 52,681 | 44,846 |
| GLERL | ..... | 6,085 | ..... | 6,825 | ..... |
| Transfer from Damage Assessment Fund | 5,683 | ..... | ..... | ..... | ..... |
| Response and Restoration | 8,774 | 19,884 | 8,774 | 15,884 | 9,329 |
| Oceanic and Coastal Research | 7,410 | 7,970 | 5,410 | 9,470 | 8,470 |
| Subtotal—Estuarine & Coastal Assessment | 64,478 | 80,220 | 41,045 | 84,860 | 62,645 |
| Coastal Ocean Program | 18,400 | 19,430 | 18,200 | 18,430 | 17,200 |
| Total, Ocean Resources Conservation & Assessment | 82,878 | 99,650 | 59,245 | 103,290 | 79,845 |
| Ocean and Coastal Management: | | | | | |
| CZM Grants | 53,700 | 55,700 | 53,700 | 60,000 | 54,700 |
| CZM 310 Grants | ..... | 28,000 | ..... | ..... | ..... |
| Estuarine Research Reserve System | 4,300 | 7,000 | 5,650 | 7,000 | 6,000 |
| Nonpoint Pollution Control | 4,000 | 6,000 | 4,000 | 1,000 | 2,500 |
| Program Administration | 4,500 | 5,500 | 4,500 | 4,500 | 4,500 |
| Subtotal, Coastal Management | 66,500 | 102,200 | 67,850 | 72,500 | 67,700 |
| Marine Sanctuary Program | 14,350 | 26,000 | 16,500 | 18,500 | 17,500 |
| Total, Ocean & Coastal Management | 80,850 | 128,200 | 84,350 | 91,000 | 85,200 |
| Total, NOS | 258,193 | 328,543 | 236,290 | 299,939 | 267,338 |
| NATIONAL MARINE FISHERIES SERVICE | | | | | |
| Information Collection and Analysis: | | | | | |
| Resource Information | 106,675 | 96,918 | 98,100 | 112,520 | 108,348 |
| Antarctic Research | 1,200 | 1,200 | 1,200 | 1,800 | 1,234 |
| Chesapeake Bay Studies | 1,890 | 1,500 | 1,890 | 1,890 | 1,890 |
| Right Whale Research | 350 | 200 | 350 | 4,100 | ..... |
| MARFIN | 3,000 | 3,000 | 2,500 | 3,000 | 2,750 |
| SEAMAP | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 |
| Alaskan Groundfish Surveys | 900 | 661 | 661 | 900 | 900 |
| Bering Sea Pollock Research | 945 | 945 | 945 | 945 | 945 |
| West Coast Groundfish | 800 | 780 | 780 | 900 | 820 |
| New England Stock Depletion | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 |
| Hawaii Stock Management Plan | 500 | ..... | ..... | 500 | 500 |
| Yukon River Chinook Salmon | 700 | 700 | ..... | 1,500 | 1,200 |
| Atlantic Salmon Research | 710 | 710 | 710 | 710 | 710 |
| Gulf of Marine Groundfish Survey | 567 | 567 | 567 | 567 | 567 |
| Dolphin/Yellowfin Tuna Research | 250 | 250 | 250 | 250 | 250 |
| Pacific Salmon Treaty Program | 7,444 | 5,587 | 5,587 | 12,457 | 12,431 |

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH AND FACILITIES—FISCAL YEAR 2000—Continued

| | FY99 enacted | FY00 request | FY00 House | FY00 Senate | FY00 conference |
|---|---|---|---|---|---|
| Hawaiian Monk Seals | 700 | 500 | 500 | 1,050 | 750 |
| Steller Sea Lion Recovery Plan | 2,520 | 1,440 | 1,400 | 4,000 | 4,000 |
| Hawaiian Sea Turtles | 275 | 248 | 248 | 300 | 285 |
| Bluefish/Striped Bass | 1,000 | ..... | 1,000 | ..... | 1,000 |
| Halibut/Sablefish | 1,200 | 1,200 | 1,200 | 1,200 | 1,200 |
| Narraganset Bay Coop Study | ..... | ..... | ..... | 806 | ..... |
| Subtotal | 133,826 | 118,606 | 120,128 | 151,595 | 141,980 |
| Fishery Industry Information: | | | | | |
| Fish Statistics | 13,000 | 14,257 | 13,000 | 14,257 | 13,000 |
| Alaska Groundfish Monitoring | 5,500 | 5,200 | 5,200 | 6,325 | 5,500 |
| PACFIN/Catch Effort Data | 4,700 | 3,000 | 4,700 | 3,000 | 3,000 |
| AKFIN (Alaska Fishery Information Network) | ..... | ..... | ..... | 3,000 | 2,500 |
| RECFIN | 3,900 | 3,100 | 3,100 | 3,900 | 3,700 |
| GULF FIN Data Collection Effort | 3,000 | ..... | 3,000 | 4,000 | 3,500 |
| Subtotal | 30,100 | 25,557 | 29,000 | 34,482 | 31,200 |
| Information Analyses and Dissemination | 20,900 | 21,342 | 20,400 | 21,342 | 20,900 |
| Computer Hardware and Software | 4,000 | 4,000 | 750 | 4,000 | 3,500 |
| Subtotal | 24,900 | 25,342 | 21,150 | 25,342 | 24,400 |
| Acquisition of Data | 25,098 | 25,488 | 25,098 | 25,488 | 25,943 |
| Total, Information, Collection, and Analyses | 213,924 | 194,993 | 195,376 | 236,907 | 223,523 |
| Conservation and Management Operations: | | | | | |
| Fisheries Management Programs | 29,900 | 32,687 | 29,770 | 44,337 | 39,060 |
| Columbia River Hatcheries | 13,600 | 11,400 | 11,400 | 15,420 | 12,055 |
| Columbia River Endangered Species | 288 | 288 | 288 | 288 | 288 |
| Regional Councils | 13,000 | 13,300 | 12,800 | 13,300 | 13,150 |
| International Fisheries Commissions | 400 | 400 | 400 | 400 | 400 |
| Management of George's Bank | 478 | 478 | 478 | 478 | 478 |
| Pacific Tuna Management | 2,300 | 1,250 | 1,250 | 3,000 | 2,300 |
| Fisheries Habitat Restoration | ..... | 22,700 | ..... | 1,000 | ..... |
| NE Fisheries Management | 1,880 | 5,180 | 1,880 | 8,000 | 6,000 |
| Subtotal, Fisheries Mgmt. Programs | 61,846 | 87,683 | 58,266 | 86,223 | 73,731 |
| Protected Species Management | 6,200 | 9,406 | 6,200 | 6,200 | 6,200 |
| Driftnet Act Implementation | 3,378 | 3,278 | 3,278 | 3,650 | 3,439 |
| Marine Mammal Protection Act | 7,583 | 7,225 | 7,225 | 8,025 | 7,583 |
| Endangered Species Act Recovery Plan | 28,000 | 55,450 | 25,750 | 39,750 | 32,500 |
| Dolphin Encirclement | 3,300 | 3,300 | 3,300 | 3,300 | 3,300 |
| Native Marine Mammals | 750 | 700 | 200 | 1,150 | 950 |
| Observers/Training | 2,650 | 4,225 | 2,225 | 4,650 | 2,650 |
| Subtotal | 51,861 | 83,584 | 48,178 | 66,725 | 56,622 |
| Habitat Conservation | 9,000 | 10,858 | 9,000 | 10,858 | 9,200 |
| Enforcement & Surveillance | 17,775 | 19,121 | 17,775 | 19,121 | 17,950 |
| Total, Conservation, Management & Operations | 140,482 | 201,246 | 133,219 | 182,927 | 157,503 |
| State and Industry Assistance Programs: | | | | | |
| Interjurisdictional Fisheries Grants | 2,600 | 2,600 | 2,600 | 3,100 | 2,600 |
| Anadromous Grants | 2,100 | 2,100 | 2,100 | 2,100 | 2,100 |
| Interstate Fish Commissions | 7,750 | 4,000 | 7,750 | 7,750 | 7,750 |
| Subtotal | 12,450 | 8,700 | 12,450 | 12,950 | 12,450 |
| Fisheries Development Program: | | | | | |
| Product Quality and Safety/Seafood Inspection | 9,824 | 8,328 | 9,500 | 8,328 | 9,500 |
| Hawaiian Fisheries Development | 750 | ..... | ..... | 750 | 750 |
| NE Safe Seafood Program | ..... | ..... | ..... | 300 | ..... |
| Subtotal | 10,574 | 8,328 | 9,500 | 9,378 | 10,250 |
| Total, State and Industry Programs | 23,024 | 17,028 | 21,950 | 22,328 | 22,700 |
| Toal, NMFS | 377,430 | 413,267 | 350,545 | 442,162 | 403,726 |
| OCEANIC AND ATMOSPHERIC RESEARCH | | | | | |
| Climate and Air Quality Research: | | | | | |
| Interannual & Seasonal | 14,900 | 16,900 | 12,900 | 18,900 | 16,900 |
| Climate & Global Change Research | 63,000 | 69,700 | 63,000 | 77,200 | 67,000 |
| GLOBE | 2,500 | 5,000 | ..... | 2,500 | 2,500 |
| Subtotal | 80,400 | 91,600 | 75,900 | 98,600 | 86,400 |
| Long-term Climate & Quality Research | 30,000 | 34,600 | 30,000 | 32,000 | 30,000 |
| Information Technology | 12,000 | 13,500 | 12,000 | 13,500 | 12,750 |
| Subtotal | 42,000 | 48,100 | 42,000 | 45,500 | 42,750 |
| Total, Climate and Air Quality Research | 122,400 | 139,700 | 117,900 | 144,100 | 129,150 |
| Atmospheric Programs: | | | | | |
| Weather Research | 36,100 | 36,600 | 34,600 | 38,100 | 37,350 |
| STORM | ..... | ..... | ..... | 2,000 | 2,000 |
| Wind Profiler | 4,350 | 4,350 | 4,350 | 4,350 | 4,350 |
| Subtotal | 40,450 | 40,950 | 38,950 | 44,450 | 43,700 |
| Solar/Geomagnetic Research | 6,000 | 6,100 | 6,000 | 7,100 | 7,000 |
| Total, Atmospheric Programs | 46,450 | 47,050 | 44,950 | 51,550 | 50,700 |
| Ocean and Great Lakes Programs: | | | | | |
| Marine Research Prediction | 26,801 | 22,300 | 19,501 | 36,190 | 27,325 |
| GLERL | 6,825 | ..... | 6,825 | ..... | 6,825 |
| Sea Grant Program | 57,500 | 51,500 | 58,500 | 60,500 | 59,250 |
| National Undersea Research Program | 14,550 | 9,000 | ..... | 14,550 | 13,800 |
| Total, Ocean and Great Lakes Programs | 105,676 | 82,800 | 84,826 | 111,240 | 107,200 |
| Acquisition of Data | 12,884 | 13,020 | 12,884 | 13,020 | 12,952 |

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH AND FACILITIES—FISCAL YEAR 2000—Continued

| | FY99 enacted | FY00 request | FY00 House | FY00 Senate | FY00 conference |
|---|---|---|---|---|---|
| Total, OAR | 287,410 | 282,570 | 260,560 | 319,910 | 300,002 |
| NATIONAL WEATHER SERVICE | | | | | |
| Operations and Research: | | | | | |
| Local Warnings and Forecasts | 357,034 | 450,411 | 441,693 | 452,271 | 444,487 |
| MARDI | 64,036 | | | | |
| Radiosonde Replacement | 2,000 | | 2,000 | | |
| Susquehanna River Basin flood system | 1,250 | 619 | 1,250 | 1,000 | 1,125 |
| Aviation forecasts | 35,596 | 35,596 | 35,596 | 35,596 | 35,596 |
| Advanced Hydrological Prediction System | | 2,200 | 1,000 | 2,200 | 1,000 |
| WFO Maintenance | | | | 4,000 | 3,250 |
| Subtotal | 459,916 | 488,826 | 481,539 | 495,067 | 485,458 |
| Central Forecast Guidance | 35,574 | 37,081 | 37,081 | 37,081 | 37,081 |
| Atmospheric and Hydrological Research | 2,964 | 3,090 | 2,964 | 3,090 | 3,000 |
| Total, Operations and Research | 498,454 | 528,997 | 521,584 | 535,238 | 525,539 |
| Systems Acquisition: | | | | | |
| Public Warnings and Forecast Systems: | | | | | |
| NEXRAD | 38,346 | 39,325 | 38,346 | 39,325 | 38,836 |
| ASOS | 7,116 | 7,573 | 7,116 | 7,573 | 7,345 |
| AWIPS/NOAA Port | 12,189 | 38,002 | 32,150 | 38,002 | 32,150 |
| Computer Facilities Upgrades | 4,600 | | | | |
| Total, Systems Acquisition | 62,251 | 84,900 | 77,612 | 84,900 | 78,331 |
| Total, NWS | 560,705 | 613,897 | 599,196 | 620,138 | 603,870 |
| NAT'L ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE | | | | | |
| Satellite Observing Systems: | | | | | |
| Ocean Remote Sensing | 4,000 | 4,000 | | 4,000 | 4,000 |
| Environmental Observing Systems | 53,300 | 53,236 | 50,800 | 55,736 | 53,300 |
| Global Disaster Information Network | | 2,000 | | 2,000 | |
| Total, Satellite Observing Systems | 57,300 | 59,236 | 50,800 | 61,736 | 57,300 |
| Environmental Data Management Systems | 33,550 | 31,521 | 35,021 | 34,521 | 38,700 |
| Data and Information Services | 16,335 | 12,335 | 12,335 | 12,335 | 12,335 |
| Regional Climate Centers | 2,700 | | 2,500 | 3,000 | 2,750 |
| Total, EDMS | 52,635 | 43,856 | 49,856 | 49,856 | 53,785 |
| Total, NESDIS | 109,935 | 103,092 | 100,656 | 111,592 | 111,085 |
| PROGRAM SUPPORT | | | | | |
| Administration and Services: | | | | | |
| Executive Direction and Administration | 19,200 | 19,573 | 19,200 | 19,573 | 19,387 |
| Systems Acquisition Office | 700 | 712 | 700 | 712 | 712 |
| Subtotal | 19,900 | 20,285 | 19,900 | 20,285 | 20,099 |
| Central Administrative Support | 31,850 | 42,583 | 28,850 | 41,583 | 36,350 |
| Retired Pay Commissioned Officers | 7,000 | | | | |
| Total, Administration and Services | 58,750 | 62,868 | 48,750 | 61,868 | 56,449 |
| Aircraft Services | 10,500 | 11,019 | 10,500 | 11,019 | 10,760 |
| Rent Savings | | (4,656) | (4,656) | | (4,656) |
| Total, Program Support | 69,250 | 69,231 | 54,594 | 72,887 | 62,553 |
| FLEET PLANNING AND MAINTENANCE | 11,600 | 9,243 | 7,000 | 13,243 | 13,243 |
| Facilities: | | | | | |
| NOAA Facilities Maintenance | 1,650 | 1,818 | 1,800 | 1,818 | 1,809 |
| NCEP/NORMAN Space Planning | 150 | | | | |
| Environmental Compliance | 2,000 | 3,899 | 2,000 | 3,899 | 2,000 |
| Sandy Hook Lease | 2,000 | | | | |
| WFO Maintenance | 3,000 | 4,000 | 3,000 | | |
| NMFS Facilities Management | | 3,800 | | | |
| Columbia River Facilities | 4,465 | 3,365 | 3,365 | | 3,365 |
| Boulder Facilities Operations | | 3,850 | | 3,850 | 3,850 |
| NARA Records Mgmt | | 262 | | 262 | |
| Total, Facilities | 13,265 | 20,994 | 10,165 | 9,829 | 11,024 |
| Direct Obligations | 1,687,788 | 1,840,837 | 1,619,006 | 1,889,700 | 1,772,841 |
| Offset for Fee Collections | | | | (4,000) | (4,000) |
| Reimbursable Obligations | 195,767 | 195,767 | 195,767 | 195,767 | 195,767 |
| Offsetting Collections (data sales) | 3,600 | 3,600 | 3,600 | 3,600 | 3,600 |
| Offsetting Collections (fish fees/IFQ CDQ) | 4,000 | 4,000 | 4,000 | 4,000 | 4,000 |
| Subtotal, Reimbursables | 203,367 | 203,367 | 203,367 | 199,367 | 199,367 |
| Total, Obligations | 1,891,155 | 2,044,204 | 1,822,373 | 2,089,067 | 1,972,208 |
| Financing: | | | | | |
| Deobligations | (33,000) | (33,000) | (36,000) | (33,000) | (36,000) |
| Unobligated Balance transferred, net | (969) | | (2,652) | | (2,652) |
| Coastal Zone Management Fund | (4,000) | | (4,000) | | |
| Offsetting Collections (data sales) | (3,600) | (3,600) | (3,600) | (3,600) | (3,600) |
| Offsetting Collections (fish fees/IFQ CDQ | | (4,000) | (4,000) | (4,000) | (4,000) |
| Anticipated Offsetting Collections (fish fees) | (4,000) | (20,000) | (20,000) | | |
| Anticipated Offsetting Collections (navigation fees) | | (14,000) | (14,000) | | |
| Rent savings to finance Goddard | | | | (4,656) | |
| Federal Funds | (134,927) | (134,927) | (134,927) | (172,000) | (134,927) |
| Non-federal Funds | (60,840) | (60,840) | (60,840) | (23,767) | (60,840) |
| Subtotal, Financing | (241,336) | (270,367) | (280,019) | (241,023) | (242,019) |
| Budget Authority | 1,649,819 | 1,773,837 | 1,542,354 | 1,848,044 | 1,730,189 |
| Financing from: | | | | | |
| Promote and Develop American Fisheries | (63,381) | (64,926) | (67,226) | (66,426) | (68,000) |
| Damage Assess. & Restor. Revolving Fund | (4,714) | | | | |
| Coastal Zone Management Fund | | (4,000) | | (4,000) | (4,000) |

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH AND FACILITIES—FISCAL YEAR 2000—Continued

| | FY99 enacted | FY00 request | FY00 House | FY00 Senate | FY00 conference |
|---|---|---|---|---|---|
| Subtotal, ORF | 1,581,724 | 1,704,911 | 1,475,128 | 1,777,618 | 1,658,189 |
| By Transfer from Coastal Zone Management Fund | ..... | 4,000 | ..... | ..... | ..... |
| Direct Appropriation, ORF | 1,581,724 | 1,708,911 | 1,475,128 | 1,777,618 | 1,658,189 |

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of $267,338,000 under this account for the activities of the National Ocean Service (NOS), instead of $236,290,000 as recommended by the House, and $299,939,000 as recommended by the Senate.

*Mapping and Charting.*—The conference agreement provides $35,298,000 for NOAA's mapping and charting programs, reflecting continued commitment to the navigation safety programs of NOS and concerns about the ability of the NOS to continue to meet its mission requirements over the long term. Of this amount, $32,718,000 is provided for the base mapping and charting program. Within the total funding provided under Mapping and Charting, the conference agreement includes $2,580,000 for the joint hydrographic center established in fiscal year 1999.

The conference agreement also includes $18,900,000 under the line item Address Survey Backlog/Contracts exclusively for contracting out with the private sector for data acquisition needs. This is $4,000,000 above the request and is intended to help keep the level of effort close to fiscal year 1999, when the program had a significant amount of carryover in addition to the fiscal year 1999 funding for the program.

*Geodesy.*—The conference agreement provides $20,159,000 for geodesy programs, including $19,159,000 for the base program, $500,000 for initial planning of the National Height System Demonstration, as provided in the House report, and $500,000 for the geodetic survey referenced in the Senate report.

*Tide and Current Data.*—The conference agreement includes $12,390,000 for this activity, including $12,000,000 for the base program and $390,000 for a one-time Year 2000 fix for Great Lakes Buoys, as provided by both the House and Senate bills.

*Ocean Assessment Program.*—The conference agreement includes $44,846,000 for this activity. Within the amounts provided for ocean assessment, the conference agreement includes the following: $12,685,000 for the base program; $15,100,000 for NOAA's Coastal Services Center, of which $2,500,000 is for coastal hazards research and services and development of defense technologies for environmental monitoring, and $100,000 is one-time funding for the Community Sustainability Center, as referenced in the Senate report; $5,800,000 to continue the Cooperative Institute for Coastal and Estuarine Environmental Technology; $900,000 for the South Florida Ecosystem Restoration program; $2,000,000 to support coral reef studies in the Pacific and Southeast, of which $1,000,000 is for Hawaiian coral reef monitoring, $500,000 is for reef monitoring in Florida, and $500,000 is for reef monitoring in Puerto Rico, through the Department of Natural Resouces; $3,925,000 for pfisteria and other harmful algal bloom research and monitoring, of which $500,000 is for a pilot project to preemptively address emerging problems prior to the occurrence of harmful blooms, to be carried out by the South Carolina Department of Marine Resources; $2,000,000 for the JASON project and $2,436,000 for the NOAA Beaufort/Oxford Laboratory. In addition, the conference agreement also includes an additional $5,200,000 under Ocean and Coastal Research and the Coastal Ocean Program for research on pfisteria, hypoxia and other harmful algal blooms.

The conferees direct NOS to evaluate the need and requirements for a collaborative program in Hawaii to develop and transfer innovative applications of technology, remote sensing, and information systems for such activities as mapping, characterization and coastal hazards that will improve the management and restoration of coastal habitat throughout the U.S. Pacific Basin by bringing together government, academic, and private sector partners.

*Office of Response and Restoration.*—The conference agreement includes $9,329,000 for this activity, including: $2,674,000 for Estuarine and Coastal Assessment, $5,155,000 for Damage Assessment, $1,000,000 in accordance with the Oil Pollution Act of 1990, and $500,000 for Coastal Resource Coordination.

*Ocean and Coastal Research.*—The conference agreement includes $8,470,000 for this activity, which includes the budget request and an additional $500,000 for the Marine Environmental Health Research Laboratory.

The conference agreement does not include the proposed transfer of the Great Lakes Environmental Research Laboratory (GLERL) from Oceanic and Atmospheric Research to NOS.

*Coastal Ocean Program.*—The conference agreement provides $17,200,000 for the Coastal Ocean Program (COP), of which $4,200,000 is provided for research related to hypoxia, pfisteria, and other harmful algal blooms. The managers of COP are directed to follow the direction included in the House report regarding Long Island Sound, as well as the direction included in the Senate report concerning research on small high-salinity estuaries and the land use-coastal ecosystem study. The conference agreement also assumes continued funding at the current level for restoration of the South Florida ecosystem.

*Coastal Zone Management.*—The conference agreement includes $67,700,000 for this activity, of which $54,700,000 is for grants under sections 306, 306A, and 309 of the Coastal Zone Management Act (CZMA), an increase of $1,000,000 over fiscal year 1999, and $4,500,000 for Program Administration. In addition, the conference agreement includes $2,500,000 for the Non-Point Pollution program authorized under section 6217 of the CZMA. No funding is provided under section 310, as in both the House and Senate bills, because there is no authorization of appropriations to make grants under that section. The conference agreement also includes $6,000,000 for the National Estuarine Research Reserve program, an increase of $1,700,000 above fiscal year 1999. The conferees concur with the direction in the House report relating to the assessment of administrative charges under the CZMA.

*Marine Sanctuary Program.*—The conference agreement includes $17,500,000 for the National Marine Sanctuary Program, an increase of $3,150,000 over fiscal year 1999. Of this amount, $500,000 is provided to support the activities of the Northwest Straits Citizens Advisory Commission as outlined in the House and Senate reports. In addition, not to exceed $500,000 may be provided in one-time support of the Marine Debris Conference referenced in the Senate report under the National Marine Fisheries Service, with the direction that other contributions from sources outside of NOAA be sought to support the conference.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of $403,726,000 for the National Marine Fisheries Service (NMFS), instead of $350,545,000, as recommended by the House and $442,162,000, as recommended by the Senate.

In addition, $4,000,000 is authorized to be collected under the Magnuson-Stevens Act to support the Community and Individual Fishery Quota Program. Of this amount, $500,000 is for the Hawaiian Community Development Program, as referenced in the Senate report.

*Resource Information.*—The conference agreement provides $108,348,000 for fisheries resource information. Within the funds provided for resource information, $91,048,000 is provided for the base programs, including $750,000 for west coast groundfish and $3,500,000 for Magnuson-Stevens implementation added in fiscal year 1999, of which $750,000 is for a Narragansett Bay Cooperative Study. In addition, NMFS is expected to continue to provide onsite technical assistance to the National Warmwater Aquaculture Research Center under the direction included in the Senate report. The conferees concur with the language in the Senate report regarding any shift of work now performed by the Alaska and Southwest Fisheries Science Centers.

In addition, within the total funds provided for resource information, the conference agreement includes: $1,750,000 for additional implementation of the Magnuson-Stevens Act in the North Pacific as directed in the Senate report, funding for MARMAP at the same level as in the House and Senate, under the direction in the Senate report: $1,700,000 for the Gulf of Mexico Stock Enhancement Consortium, $1,250,000 for research on Alaska near shore fisheries, to be distributed in accordance with the Senate report, $200,000 for an assessment of Atlantic herring and mackerel, $450,000 for the Chesapeake Bay oyster recovery partnership, $300,000 for research on the Charleston bump, $300,000 for research on shrimp pathogens, $150,000 for lobster sampling, $350,000 for bluefin tuna tagging, of which $250,000 is for the northeast; $500,000 for the Chesapeake Bay Multi-species Management Strategy (including blue crab), $200,000 for the Northeast Fisheries Science Center for the Cooperative Marine Education and Research Program, under the direction in the Senate report, and $300,000 for research on Southeastern sea turtles under the direction of the Senate report. In addition, within the amounts provided for Resource Information, $8,000,000 is included to continue the aquatic resources environmental initiative, and $1,000,000 is provided to continue the activities of the Gulf and South Atlantic Fisheries Development Foundation for data collection and analyses in the red snapper and shrimp fisheries. The conferees acknowledge the work being done at the Xiphophorus Genetic Stock Center to improve the understanding of fish genetics and evolution, and urge NMFS to continue

to work with the Center in fiscal year 2000. The conferees concur with language in the Senate report encouraging oyster disease research under the Saltonstall-Kennedy research grant program.

The conferees concur with the language in the House report concerning the migratory shark fishery, and reiterate the request for a report with recommendations for short and long term solutions within 45 days of enactment of this Act. The conferees direct NMFS to continue collaborative research with the Center for Shark Research and other qualified institutions, to provide the information necessary for effective management of the highly migratory shark fishery and conservation of shark fishery resources.

Under the MARFIN line, $2,500,000 is provided for base activities, and $250,000 is provided for Northeast activities. Funding is also provided for bluefish and striped bass research in accordance with the House report. Funding for right whale research and recovery activities is provided under the Endangered Species line. Under Yukon River Chinook Salmon, $700,000 is provided for base activities, and $500,000 is provided for the Yukon River Drainage Fisheries Association. Under the Pacific Salmon Treaty Program, $5,587,000 is provided for base activities, $1,844,000 is provided for the Chinook Salmon Agreement. In addition, under this line, $5,000,000, subject to express authorization, is provided as the initial capital for the Southern Boundary and Transboundary Rivers Restoration and Enhancement Fund arising out of the June 30, 1999, Agreement of the United States and Canada on the Treaty Between the United States and Canada Concerning Pacific Salmon. The conference agreement includes $4,000,000 for steller sea lion recovery, to be utilized according to the direction in the Senate report.

*Fishery Industry Information.*—The conference agreement provides $31,200,000 for this activity. Within the funds provided for Alaska Groundfish Monitoring, the conference agreement includes funding for the base program and NMFS rockfish research at the fiscal year 1999 level. In addition, $850,000 is provided for crab research developed jointly by NMFS and the State of Alaska, and $800,000 is provided for the State of Alaska to use in implementing Federal fishery management plans for crab, scallops and for rockfish research. In addition, the conference agreement provides $150,000 each for Gulf of Alaska Coastal Communities Coalition and NMFS Alaska region infield monitoring program. No funding is provided for the Bering Sea Fisherman's Association CDQ.

Within the funds provided for Fishery Industry Information, the conference agreement provides $3,700,000 for recreational fishery harvest monitoring, including $500,000 for the annual collection of data on marine recreational fishing, with the balance to be expended in accordance with the direction included in the Senate report. Funds are also appropriated under this activity for the Pacific Fisheries Information Network, including Hawaii, and the Alaska Fisheries Information Network as two separate lines in accordance with the direction included in the Senate report. In addition, funding is provided for the Gulf of Mexico Fisheries Information Network. The conferees agree that NMFS should coordinate the techniques used by the agency to collect data on a national basis while taking into account the unique characteristics of the regional commercial and recreational fisheries. The conferees believe this objective can best be accomplished by relying on the regional information networks administered by the interstate Marine Fisheries Commissions. In addition, the conferees expect NMFS to provide the report on the state of U.S. fishery resources referenced in the Senate report.

The conferees recommend $3,500,000 for computer hardware and software development, including $750,000 for the Pacific Marine Fisheries Commission to develop catch reporting software in connection with West Coast States, which will allow electronic reporting of fish ticket information in a manner compatible with systems utilized in various regulatory and monitoring agencies as well as private industry.

The conferees understand that NMFS was using funds to develop its own computer software rather than seeking readily available software. In addition, the software that it was developing may not be compatible with State data collection programs, which means that States may be required to make changes in their systems to accommodate the federal system. In addition, NMFS was not consulting with the affected States and regulatory agencies as required by section 401 of the Magnuson-Stevens Act.

To address this inadequacy, the managers direct NMFS to develop catch data standards which set guidelines on the content of information it requires and the format for transmitting it. That will enable States and private industry to continue to use their existing systems so long as they comply with NMFS standards and guidelines. NMFS may also use the funds provided to develop its own internal software program to manipulate the data it receives from fishermen and state regulators and produce the reports it needs to effectively manage the fisheries.

Under the Acquisition of Data line, within the total of $25,943,000, an additional $650,000 is provided for additional days at sea for the Gordon Gunter.

*Fisheries Management Programs.*—The conference agreement includes $39,060,000 for this activity. Within this amount, $33,330,000 is provided for base activities, including $3,500,000 for NMFS facilities at Sandy Hook and Kodiak. Within funding determined to be available, if initial funding is required, the conferees also expect funds to be provided for the Santa Cruz Fisheries Laboratory. Also, the conferees expect the Atlantic Salmon Recovery Plan and the State of Maine Recovery Plan to continue to be funded from within base resources. In addition, $230,000 is provided for the Pacific Coral Reef fisheries management plan, as described in the Senate report; $500,000 is provided for Bronx River recovery and restoration; $5,000,000 for American Fisheries Act Implementation, including $500,000 each for the North Pacific Fishery Management Council and the State of Alaska.

The conference agreement appropriates a total of $15,420,000 for NOAA support of Columbia River hatcheries programs, including $12,055,000 under the NMFS. Within the amount provided under the line item Columbia River hatcheries, NMFS is expected to support hatchery operations at a level of $11,400,000, and to use the additional funding to support salmon marking activities as described in the Senate report.

Under the Pacific Tuna Management line, $400,000 is for swordfish research as referenced in the Senate report, and the balance for JIMAR.

For New England Fisheries Management, $4,000,000 is for NMFS cooperative research, management, and enforcement, including enhanced stock assessments and discard mortality monitoring. In addition, $2,000,000 is for Northeast Consortium activities, as referenced in the Senate report. The conferees direct NMFS to collaborate with the New England Fisheries Management Council and affected stakeholders to design and prioritize cooperative research programs, and to develop a long-term, comprehensive strategy to rebuild Northeast groundfish stocks.

*Protected Species Management.*—Within the funds provided for protected species management, $750,000 is for continuation of a study on the impacts of California sea lions and harbor seals on salmonids and the West Coast ecosystem.

*Driftnet Act Implementation.*—Within the funds provided for Driftnet Act Implementation, $75,000 is for the Pacific Rim Fisheries Program, and $25,000 is for Washington and Alaska participation.

*Endangered Species Recovery Plans.*—A total of $32,500,000 is provided for this activity. Of these amounts, $32,000,000 is for the base program, $250,000 is to be made available for the State of Alaska for technical support to analyze proposed salmon recovery plans, and $250,000 is for the North Pacific Fishery Management Council for the purposes directed in the Senate report. The amount for the base program represents an increase of $6,250,000. Of this increase, $3,250,000 is provided for additional Pacific salmon-related activities, and $3,000,000 is provided for additional right whale activities. Together with the amount already in the base for right whales, this will result in a $4,100,000 funding level for right whale activities, which is to be expended in accordance with the Senate report. Other than salmon and right whales, the conferees expect that all activities will be kept at least at the fiscal year 1999 level, including Steller sea lion activities.

*Native Marine Mammal Commissions.*—The conference agreement recommends that funding be distributed as follows: (1) $400,000 for the Alaska Eskimo Whaling Commission; (2) $150,000 for the Alaska Harbor Seal Commission; (3) $225,000 for the Beluga Whale Committee; (4) $50,000 for the Bristol Bay Native Association; and (5) $125,000 for the Aleut Marine Mammal Commission.

*Observers and Training.*—The conference agreement distributes funding as follows: (1) $425,000 for the North Pacific Fishery Observer Training Program; (2) $1,875,000 for North Pacific marine resource observers; and (3) $350,000 for east coast observers. Before initiating funding for a West Coast observer program, the conferees request that NMFS provide a report on the options for funding such a program, and include a comparison of how current programs in the North Pacific and the East Coast are funded with the proposal for the West Coast.

*Interstate Fish Commissions.*—The conference agreement includes $7,750,000 for this activity, of which $750,000 is to be equally divided among the three commissions, and $7,000,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

*Fisheries Development Program.*—Within the amount provided for the Fisheries Development Program, funding for the administrative costs of the Fisheries Finance program has been retained under this account, as provided in the House bill, instead of transferred to the Fisheries Finance Program account, as provided in the Senate bill. Language with respect to the administration of the Hawaiian Fisheries Development program and Hawaii Stock Enhancement included in the Senate report is adopted by reference.

*Other.*—In addition, within the funds available for the Saltonstall-Kennedy grants program, the conferees direct that funding be provided to the Alaska Fisheries Development Foundation to be used in accordance with the direction included in the Senate report, and that funds be provided pursuant to the direction included in both the House and Senate reports to support ongoing efforts related to Vibrio vulnificus.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of $300,002,000 for Oceanic and Atmospheric

Research activities, instead of $260,560,000 as recommended by the House and $319,910,000 as recommended by the Senate.

*Interannual and Seasonal Climate Research.*—The conferees have provided $16,900,000 for interannual and seasonal climate research. Within this amount, the conference agreement provides $2,000,000 to support climate and air quality monitoring and climatological modeling activities as described in the Senate report, and $2,000,000 is provided for the Ocean Observations program, to be expended only if other countries involved in the project are also providing funding.

*Climate and Global Change Research.*—The conference agreement includes $67,000,000 for the Climate and Global Change research program, an increase of $4,000,000 above the amounts provided in fiscal year 1999. Of this amount, the conference agreement includes an increase of $2,000,000 for the International Research Institute for Climate Prediction to fund planned modeling initiatives in water, agriculture, and public health, and will result in improved forecasting related to major climate events. Program increases of $1,000,000 for the Variability Beyond ENSO and $1,000,000 for Climate Forming Agents are also provided.

*Long-term Climate and Air Quality Research.*—The conference agreement provides $30,000,000 for this activity, as proposed by the House, instead of $32,000,000 as proposed by the Senate. Funding is distributed in the same manner as in fiscal year 1999. The conferees concur with language in the House report regarding research and a report on natural sources and removal for low-atmosphere ozone.

*Globe.*—A total of $2,500,000 is provided for this program, as proposed by the Senate. The House bill did not include funding for this program. NOAA is expected to comply with the direction included in the Senate report regarding this program.

*Atmospheric Programs.*—The conference agreement provides $37,350,000 for this activity. Of this amount $1,500,000 is provided for research related to wind-profile data in accordance with the direction provided in the Senate report. In addition, $1,000,000 is provided for the U.S. Weather Research Program for hurricane-related research. This funding is intended to be used for improvements in hurricane prediction, and is not intended as initial funding for a large-scale general research program under the U.S. Weather Research Program, which is primarily funded through other Federal agencies.

*STORM.*—The conference agreement includes $2,000,000 as one-time funding for the Science Center for Teaching, Outreach and Research on Meteorology for the collection and analysis of weather data in the Midwest.

*Solar/Geomagnetic Research.*—The conference agreement includes $7,000,000 for this activity, which includes $6,000,000 for base programs, and $1,000,000 for the study of radio propagation physics and technology development associated with satellite-based telecommunications, navigation, and remote sensing, as referenced in the Senate report.

*Marine Prediction Research.*—The conference agreement includes $27,325,000 for marine prediction research. Within this amount, the following is provided: $8,875,000 for the base program; $1,650,000 for Arctic research, as directed in the House report; $2,400,000 for the Open Ocean Aquaculture program; $2,300,000 for tsunami mitigation; $2,100,000 for the VENTS program; $4,000,000 for continuation of the initiative on aquatic ecosystems recommended in the House report; $1,650,000 for implementation of the National Invasive Species Act, of which $850,000 is for the ballast water demonstration as directed in the Senate report; $500,000 for support for the Gulf of Maine Council; $2,000,000 for mariculture research; $1,450,000 for ocean services; $250,000 for the Pacific tropical fish program to be administered by HIEDA; and $150,000 for Lake Champlain studies. Due to recently enacted changes in the National Sea Grant Program Authorization Act, future activities related to Lake Champlain are expected to be funded through the regular Sea Grant program.

*GLERL.*—Within the $6,825,000 provided for the Great Lakes Environmental Research Laboratory, the conference agreement assumes continued support for the Great Lakes nearshore research and zebra mussel research programs at current levels.

*Sea Grant.*—The conference agreement appropriates $59,250,000 for the National Sea Grant program, of which $53,750,000 is for the base program, a $1,550,000 base increase over fiscal year 1999. The conferees expect NOAA to continue to fund the existing oyster disease research programs at their current levels and the zebra mussel research program at $3,000,000 within these amounts. The Sea Grant program and NMFS are urged to work with the West Coast Harmful Algal Bloom Workgroup to develop a research plan to address the causes of harmful algal blooms and a monitoring and prevention program.

*National Undersea Research Program (NURP).*—The conference agreement provides $13,800,000 for the National Undersea Research Program (NURP). The conferees expect the funds to be distributed to the east coast NURP centers according to fiscal year 1999 allocations, and to the west coast centers according to fiscal year 1998 allocations. The conferees expect level funding will be made available for the Aquarius, ALVIN and program administration. The fiscal year 2000 amount above these distributions shall be equally divided between east and west coast NURP centers.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of $603,870,000 for the National Weather Service (NWS), instead of $599,196,000 as proposed by the House, and $620,138,000 as proposed by the Senate.

*Local Warnings and Forecasts/Base Operations.*—The amount provided includes $444,487,000 for this activity, an increase of $23,417,000 above the fiscal year 1999 level, including MARDI. All requested increases to base activities are provided, except for $1,935,000 in non-labor cost increases and $3,634,000 of the request to cover labor-cost deficiencies. The House and Senate Appropriations Committees expect that if the amount to cover labor-cost deficiencies is insufficient, NWS will submit a reprogramming. The conference agreement provides $4,500,000 for mitigation activities, an increase of $716,000 over fiscal year 1999. Increases for the Cooperative Observers Network and Aircraft Observations are not provided. Within the total amount provided for Local Warnings and Forecasts, $1,522,000 is for NOAA weather radio transmitters to be distributed in accordance with the direction included in the House and Senate reports, except that the amount for Wyoming weather transmitters is $200,000, and the amount for Illinois weather transmitters is $650,000. The conference agreement includes $513,000, as provided in the Senate report, for the creation of a fine-scale numerical weather analysis and prediction capability, as referenced in the House report. The conference agreement also includes funding, as requested, for data buoys and coastal marine automated network stations. Funding of $3,250,000 for WFO maintenance is provided under this heading.

The conferees concur with the language in the House and Senate reports relating to the Modernization Transition Committee/mitigation process to address the adequacy of NEXRAD coverage in certain areas. NOAA is expected to follow the recommendations contained in reports or applicable agreements requiring mitigation activities. The conferees also reiterate language in the fiscal year 1999 conference agreement addressing continued radar obstruction at the Jackson NEXRAD facility.

In addition, the conferees expect the NWS to continue the activities of NOAA's Cooperative Institute for Regional Prediction related to the 2002 Winter Olympic games.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes $111,085,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes $457,594,000 under the NOAA PAC account for satellite systems acquisition and related activities.

*Satellite Observing Systems.*—The conferees have included $57,300,000 for this activity, the same amount and the same distribution as in fiscal year 1999. Funding for the wind demonstration project is to be provided in accordance with the Senate report.

*Environment Data Management.*—The conferees have included $53,785,000 for EDMS activities. Under EDMS base activities, the conference agreement includes $24,000,000, an increase of $650,000, to be expended as directed in the House report. No funds are included to continue weather record rescue and preservation activities or the environmental data rescue program. The conference agreement includes $500,000 for the Cooperative Observers Network modernization. In addition, $4,000,000 is included for the Coastal Ocean Data Development Center, as referenced in the Senate report. In addition, the conferees have provided $10,200,000 to initiate a new, multi-year program for climate database modernization and utilization, to include but not be limited to key entry of valuable climate records, archive services, and database development. The conferees note the Administration's recent initiatives in support of reinvestment in economically distressed communities within Appalachia and intend that work under this program must be performed by existing and experienced concerns currently located in the Appalachian counties of Laurel and Mineral, which are experiencing high unemployment and poverty. The conference agreement includes $2,750,000 for the Regional Climate Centers.

PROGRAM SUPPORT

The conference agreement provides $62,553,000 for NOAA program support, instead of $54,594,000 as provided in the House bill, and $72,887,000, as provided in the Senate bill. Included in this total is $36,350,000 for Central Administrative Support, which is comprised of $31,850,000 for base activities and $4,500,000 for the Commerce Automated Management System.

FLEET PLANNING AND MAINTENANCE

The conference agreement includes an appropriation of $13,243,000 for this activity, as recommended in the Senate bill, instead of $7,000,000 included in the House bill. This amount includes $1,000,000 for equipping the RAINIER and $3,000,000 for NOPP-related activities.

FACILITIES

The conference agreement includes $11,204,000 for facilities maintenance, lease costs, and environmental compliance, instead of $10,165,000 as recommended in the House bill, and $9,829,000 as recommended in the Senate bill. Included in this total is $3,850,000 in lease payments to the General Services Administration (GSA) for the new

Boulder facility. The conferees are aware that the GSA is applying 8% return-on-investment pricing to determine the rent that NOAA pays for the facility, with the possibility that the percentage will increase significantly in future years. The conferees believe that this results in an excessive rental charge that is not justified by the facts, and that a fair and reasonable return would be 6.25% amortized over 30 years. NOAA is directed to provide to the House and Senate Committees on Appropriations at the earliest opportunity the options that exist to moderate the cost of rental payments, and to consult with the Committees on the next steps to take to assure that NOAA does not get saddled with an excessive rental payment.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of $589,067,000 in direct appropriations for the Procurement, Acquisition and Construction account, and assumes $7,400,000 in deobligations from this account. The following distribution reflects the fiscal year 2000 funding provided for activities within this account:

| | |
|---|---|
| Systems Acquisition: | |
| AWIPS | $16,000,000 |
| ASOS | 3,855,000 |
| NEXRAD | 8,280,000 |
| Computer Facilities Upgrades | 11,100,000 |
| Polar Spacecraft and Launching | 190,979,000 |
| Geostationary Spacecraft and Launching | 266,615,000 |
| Radiosonde Replacement | 7,000,000 |
| GFDL Supercomputer | 5,000,000 |
| Subtotal, Systems Acquisition | 508,829,000 |
| Construction: | |
| WFO Construction | 9,526,000 |
| NERRS Construction | 9,250,000 |
| N.Y. Botanical Gardens | 1,500,000 |
| Alaska Facilities | 9,750,000 |
| NORC Rehabilitation | 3,045,000 |
| Suitland Facility | 3,000,000 |
| Subtotal, Construction | 36,071,000 |
| Fleet Replacement: | |
| Fishery Vessel | 51,567,000 |
| Subtotal, Fleet Replacement | 51,567,000 |

*Systems Acquisition.*—The conference agreement provides $16,000,000 to initiate AWIPS Build 5.0. NWS is requested to provide quarterly reports on the status of the project, progress in meeting milestones, amount expended to date, expected overall cost, and problems encountered.

*Construction.*—The funds appropriated for the National Estuarine Research Reserve construction are to be distributed as follows: $2,000,000 is for overall NERRS requirements, $4,000,000 is for the Great Bay NERR, $2,500,000 is for the Kachemak Bay NERR, the latter two as recommended in the Senate report, and $750,000 is for the Jacques Cousteau NERR. The funds appropriated for Alaska facilities are to be distributed as follows: $750,000 is for the Juneau Lab, $3,500,000 is for Ship Creek, and $5,500,000 is for the SeaLife Center. The conference agreement provides $3,000,000 for preliminary design work for a new building in the Suitland Federal Center to be built by the General Services Administration. Prior to obligating these funds, the conferees expect NOAA to provide a report detailing the total estimated cost of the new building, including a breakout by fiscal year of the amounts proposed to be paid by both the GSA and NOAA, as well as a recapitulation of the options that were considered in reaching a decision on the proposed facility, and then consult with the Committees on the report.

The conferees are also interested in receiving a report on any planning for new space related to other facilities in the area by January 15, 2000.

PACIFIC COASTAL SALMON RECOVERY

In addition to $10,000,000 provided elsewhere in this bill for initial capital for implementation of the 1999 Pacific Salmon agreement, the conference agreement includes $50,000,000 for salmon habitat restoration, stock enhancement, and research. Of this amount, $18,000,000 is provided to the State of Washington, $14,000,000 is provided to the State of Alaska, $7,000,000 is provided to the State of Oregon, and $7,000,000 is provided to the State of California. In addition, $4,000,000 is provided to the Pacific Coastal tribes (as defined by the Secretary of Commerce).

The States of Alaska, Oregon, and California, and the tribes are strongly encouraged to each enter into a Memorandum of Understanding (MOU) with NMFS regarding projects funded under this section. The MOU should not require federal approval of individual projects, but should define salmon recovery strategies. All states and tribes that receive funding shall report to the Secretary of Commerce, the Senate and House Committees on Appropriations, the Senate Committee on Commerce, Science, and Transportation, and the House Committee on Resources on progress of salmon recovery efforts funded under this heading by not later than September 1, 2000.

The 1999 Pacific Salmon Treaty Agreement provides a comprehensive, coastwide conservation program for the protection of Pacific salmon, including domestic and Canadian fisheries. In particular, it provides significant harvest reductions in Alaska below previous restrictions implemented in 1985 and 1995, each of which further reduced the impact of Alaska's fisheries on listed stocks. Therefore, any recovery efforts shall not be based on or anticipate exploitation rates in Alaska not included in the 1999 Agreement, but should include other quantifiable goals and objectives, such as escapement and production, required for the recovery of listed salmon.

The conference agreement provides $18,000,000 for the State of Washington which is to be provided directly to the Washington State Salmon Recovery Board to distribute for salmon habitat projects, other salmon recovery activities, and to implement the Washington Forest and Fish Agreement authorized by the Washington State Legislature. The conferees urge, with input from the Board, local governments, local watershed organizations, tribes, and other interested parties, that clear, scientifically-based goals and objectives for salmon recovery in Washington State be established by NMFS and be rendered in the form of numerical goals and objectives for the recovery of each species of salmon listed under the Endangered Species Act in Washington State. The conferees expect such goals and objectives to specify the outcome to be achieved for the salmon resource in order to satisfy the requirements of the Endangered Species Act. The conferees anticipate that by July 1, 2000, NMFS will have established numerical goals and objectives for the recovery of salmon in the Puget Sound ESU, and will have produced a schedule for completion of numerical goals and objectives for all other parts of the State. The conferees expect that the Board will establish performance standards to inform its project funding decisions, and will give due deference to the project prioritization work being performed by local watershed organizations. Entities eligible to receive federal funds for salmon recovery projects and activities from the Board include local governments, tribes, and nonprofit organizations, such as the Puget Sound Foundation. Funds appropriated by this Act may be distributed by the Board on a project-by-project basis or advanced in the form of block grants. Not more than one percent of these federal funds shall be used for the Board's administrative expenses, and not more than one percent of the remaining federal monies distributed by the Board for habitat projects and recovery activities shall be used by the eligible entities for administrative expenses. None of the $18,000,000 shall be used for the buy back of commercial fishing licenses or vessels. Nothing in this Act shall impair the authority of the Board to expend funds appropriated to it by the Washington State Legislature. Funds provided to tribes in Washington State from the $4,000,000 appropriated for Pacific Coastal Tribes shall be used only for grants for planning (not to exceed 10 percent of any grant), physical design, and completion of restoration projects.

The funds provided for salmon and steelhead recovery efforts in the State of Oregon shall be provided to the Oregon Watershed Enhancement Board (OWEB). The OWEB shall provide funding for salmon recovery projects and activities including planning, monitoring, habitat restoration and protection, and improving State and local council capacity to implement local projects which directly support salmon recovery.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of $4,000,000, as provided in both the House and the Senate bills. This amount is reflected under the National Ocean Service within the Operations, Research, and Facilities account.

PROMOTE AND DEVELOP FISHERY PRODUCTS AND RESEARCH PERTAINING TO AMERICAN FISHERIES

FISHERIES PROMOTIONAL FUND

(RESCISSION)

The conference agreement includes a rescission of all unobligated balances available in the Fisheries Promotional Fund, as provided in the House bill. The Senate bill included a rescission of $1,187,000 from this Fund.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $953,000 for the Fishermen's Contingency Fund, as provided in both the House and Senate bills.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes $189,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in both the House and Senate bills.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides $338,000 in subsidy amounts for the Fisheries Finance Program Account, instead of $238,000 as provided in the House bill and $2,038,000 as provided in the Senate bill. The Senate provision included $1,700,000 for administrative costs of the program, which the conference agreement provides under the Operations, Research and Facilities account, as provided in the House bill. The agreement includes $100,000 above the House level to continue entry level and small vessel Individual Fishery Quota obligation guarantees in the halibut and sablefish fisheries as recommended in the Senate report.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $31,500,000 for the general administration of the Commerce Department, instead of $30,000,000, as proposed in the House bill, and $34,046,000, as proposed in the Senate bill. The conferees concur with language in the House report concerning office moves and the Working Capital Fund, and with language in the Senate report concerning the Senior Executive Service ''Commerce 2000'' initiative.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $20,000,000 for the Commerce Department Inspector General, instead of $22,000,000 as recommended in the House bill and $17,900,000 as recommended in Senate bill.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

*Section 201.*—The conference agreement includes section 201, included in the House and Senate bills, regarding certifications of advanced payments.

*Sec. 202.*—The conference agreement includes section 202, identical in the House and Senate bills, allowing funds to be used for hire of passenger motor vehicles.

*Sec. 203.*—The conference agreement includes section 203, identical in the House and Senate bills, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

*Sec. 204.*—The conference agreement includes section 204, as proposed in the House bill, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers. The Senate bill included a provision prohibiting reimbursements in relation to the 1990 decennial census.

*Sec. 205.*—The conference agreement includes section 205, identical in the House and Senate bills, regarding transfer authority between Commerce Department appropriation accounts.

*Sec. 206.*—The conference agreement includes section 206, providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

*Sec. 207.*—The conference agreement includes section 207, included in both the House and Senate bills, requiring that any costs related to personnel actions incurred by a department or agency funded in title II of the accompanying Act, be absorbed within the total budgetary resources available to such department or agency.

*Sec. 208.*—The conference agreement includes section 208, as proposed in both the House and Senate bills, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

*Sec. 209.*—The conference agreement includes section 209, as proposed in both the House and Senate bills, allowing the Department of Commerce Franchise Fund to retain a portion of its earnings from services provided.

*Sec. 210.*—The conference agreement includes section 210, as proposed in the Senate bill, to increase the total number of members of the New England Fishery Management Council and the number appointed by the Secretary of Commerce by one member. The House bill did not contain a provision on this matter.

*Sec. 211.*—The conference agreement includes a new section 211, which makes funds provided under the National Institute of Standards and Technology, Construction of Research Facilities, available for a medical research facility and two information technology facilities.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $35,492,000 for the salaries and expenses of the Supreme Court, instead of $35,041,000, as provided in the House bill and $35,903,000 as provided in the Senate bill. Funding for the cost of living increase for the Justices is provided in section 304.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $8,002,000 for the Supreme Court Care of the Building and Grounds account, instead of $6,872,000 as provided in the House bill and $9,652,000, as provided in the Senate bill. This is the amount the Architect of the Capitol currently estimates is required for fiscal year 2000, including building renovations and perimeter security. The conference agreement allows $5,101,000 to remain available until expended, instead of $3,971,000, as provided in the House bill, and $6,751,000, as provided in the Senate bill. Senate report language related to off-site facility planning and House report language related to miscellaneous improvements is adopted by reference.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes $16,797,000 for the U.S. Court of Appeals for the Federal Circuit, instead of $16,101,000 as provided in the House bill and $16,911,000 as provided in the Senate bill. This provides funding for base adjustments and for three additional assistants, assuming they are hired at mid-year. Funding for the cost of living increase for federal judges is provided in section 304.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes $11,957,000 for the U.S. Court of International Trade, as provided in the Senate bill, instead of $11,804,000, as provided in the House bill. Funding for the cost of living increase for federal judges is provided in section 304.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conference agreement provides $3,114,677,000 for the salaries and expenses of the federal judiciary, of which $156,539,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $3,066,677,000, including $156,539,000 from the VCRTF, as provided in the House bill, and $2,992,265,000, including $100,000,000 from the VCRTF, as provided in the Senate bill. Funding for the cost of living increase for federal judges is provided in section 304.

The conference agreement allows $13,454,000 for space alterations, to remain available until expended, as provided in the House bill, instead of $19,150,000, as provided in the Senate bill.

House report language with respect to funding for new judgeships is adopted by reference.

The conference agreement also provides $2,515,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986, as provided in the Senate bill, instead of $2,138,000, as provided in the House bill.

DEFENDER SERVICES

The conference agreement includes $385,095,000 for the federal judiciary's Defender Services account, of which $26,247,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $387,795,000, including $26,247,000 from the VCRTF, as provided in the House bill, and $353,888,000 in direct funding, as provided in the Senate bill. This includes funding for an increase of $5 an hour for in-court and out-of-court time for Criminal Justice Act panel attorneys.

Language relating to the Ninth Circuit in the House report is adopted by reference.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $60,918,000 for Fees of Jurors and Commissioners, as proposed in the Senate bill, instead of $63,400,000 as provided in the House bill. The amount provided reflects the latest estimate from the judiciary of the requirements for this account.

COURT SECURITY

The conference agreement includes $193,028,000 for the federal judiciary's Court Security account, instead of $190,029,000, as proposed in the House bill, and $196,026,000, as proposed in the Senate bill.

The recommendation provides for requested adjustments to base, the requested program increases to hire additional security officers and for perimeter security, and the balance for additional security equipment. The language in the House report related to a report on changes in security officer staffing and equipment is adopted by reference.

The conference report allows $10,000,000 in security system funding to remain available until expended, as proposed in the House bill, instead of $10,000,000 for any purpose under this heading, as proposed in the Senate bill.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes $55,000,000 for the Administrative Office of the United States Courts, instead of $54,500,000, as proposed by the House, and $56,054,000, as proposed by the Senate.

Language in the House report relating to the Optimal Utilization of Judicial Resources report and court interpreter standards is adopted by reference.

The conference agreement provides $8,500 for reception and representation expenses, instead of $7,500 as proposed in the House bill, and $10,000 as proposed in the Senate bill.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes $18,000,000 for the fiscal year 2000 salaries and expenses of the Federal Judicial Center, instead of $17,716,000 as proposed in the House bill and $18,476,000 as proposed in the Senate bill.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO THE JUDICIARY TRUST FUNDS

The conference agreement includes $39,700,000 for payment to the various judicial retirement funds as provided in both the House and Senate bills.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $8,500,000 for the U.S. Sentencing Commission, as provided in the House bill, instead of

$9,743,000 as provided in the Senate bill. Additional funds are available from carryover and from the Judiciary automation fund. There continues to be substantial uncertainty as to the requirements for the Commission in fiscal year 2000, but should the situation clarify, the conferees believe there is flexibility in the Judiciary appropriation to address any resulting additional requirements.

GENERAL PROVISIONS—THE JUDICIARY

*Section 301.*—The conference agreement includes a provision included in both the House and Senate bills allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

*Sec. 302.*—The conference agreement includes a provision, as included in the House bill, providing the Judiciary with the authority to transfer funds between appropriations accounts but limiting, with certain exceptions, any increase in an account to 10 percent, instead of the Senate provision which would have limited the increase to 20 percent.

*Sec. 303.*—The conference agreement includes a provision allowing up to $11,000 of salaries and expenses funds provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States, instead of $10,000 as proposed in the House bill, and $12,000 as proposed in the Senate bill.

*Sec. 304.*—The conference agreement includes a provision, as proposed in the Senate bill, authorizing federal judges to receive a salary adjustment and appropriating $9,611,000 for the cost of the salary adjustment for all accounts under this title. The House bill did not include a similar provision.

*Sec. 305.*—The conference agreement includes a provision, as proposed in the Senate bill, amending title 28 of the U.S. Code to authorize the Director of the Administrative Office of the Courts to pay any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999. The House bill did not include a similar provision.

*Sec. 306.*—The conference agreement includes a provision, included in the Senate bill, authorizing Central Islip, New York, as a place of holding court. The House bill did not include a similar provision.

*Sec. 307.*—The conference agreement includes a provision, included in the Senate bill, approving consolidation of Court Clerks' Offices in the Southern District of West Virginia. The House bill did not include a similar provision.

*Sec. 308.*—The conference agreement includes a provision, included in the Senate bill, modifying the circumstances under which attorneys' fees in Federal capital cases can be disclosed. The House bill did not include a similar provision.

*Sec. 309.*—The conference agreement includes a new provision authorizing nine district judgeships in Arizona, the Middle District of Florida, and Nevada.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of $2,776,825,000 for Diplomatic and Consular Programs, instead of $2,726,825,000 as included in the House bill and $2,671,429,000 as included in the Senate bill. The conference agreement includes $2,522,825,000 for ongoing activities under this account, and an additional $254,000,000 to remain available until expended for worldwide security upgrades.

The conference agreement includes language not included in either the House or Senate bills making fees collected in fiscal year 2000 relating to affidavits of support available until expended.

The conference agreement includes language designating $236,291,000 for public diplomacy international information programs instead of $306,057,000 as proposed in the House bill. The Senate bill did not contain a similar provision. This amount represents current services funding for program activities previously carried out by USIA, and includes the program and personnel costs associated with former USIA activities. The amount specified in the House bill included $59,247,000 in ICASS costs, and $10,519,000 for other overseas support costs. The conferees have excluded these support costs from the amount separately designated for public diplomacy international information programs.

The conference agreement includes language making available $500,000 for the National Law Center for Inter-American Free Trade, as provided in the Senate bill. The House bill did not include a similar provision.

The conference agreement includes language transferring $1,162,000 to the Presidential Advisory Commission on Holocaust Assets in the United States, as proposed in the House bill. Language is also included limiting the amount transferred from all Federal sources to the authorized amount. The Senate bill did not include a similar provision.

The conference agreement includes language making $2,500,000 available for overseas continuing language education, instead of $5,000,000 as proposed in the Senate bill. The House bill did not include a similar provision.

The conference report also includes a provision to collect and deposit as an offsetting collection to this account Machine Readable Visa fees in fiscal years 2000 and 2001 to recover authorized costs. The Senate bill included a similar provision but would have made it permanent. The House bill did not include a provision on this matter. The conference agreement does not include a provision in the House bill limiting the use of Machine Readable Visa fees to $267,000,000 in fiscal year 2000. The Senate bill did not contain a similar provision.

The conference agreement includes language designating $5,000,000 for activities associated with the implementation of the Pacific salmon treaty. The conference agreement does not include language that this funding must be designated from within amounts available for the Bureau of Oceans and International Environment and Scientific Affairs, as proposed in the Senate bill. The House bill did not contain a similar provision.

The conference agreement includes $9,000,000 for the Office of Defense Trade Controls, instead of $11,000,000 as proposed in the Senate bill. The House bill did not have a similar provision. House report language directed the Department to maintain the increased fiscal year 1999 funding level for the Office. The conferees expect that increased funding for this Office will result in increased scrutiny of export license applications, enhanced end-use monitoring, and stronger compliance enforcement measures to ensure that U.S. technology is properly safeguarded when exported.

The conference agreement does not include a provision transferring $13,500,000 to the East-West Center, a provision making $6,000,000 available for overseas representation, a provision making $125,000 available for the Maui Pacific Center, or provisions placing limitations on details of State Department employees to other agencies or organizations. These provisions were proposed in the Senate bill, and the House bill did not contain similar provisions.

The conference agreement does not include funding for any program increases requested by the Department. Within the amount provided, and including any savings the Department identifies, the Department will have the ability to propose that funds be used for purposes not funded by the conference agreement, including high priority program increases such as China 2000 and a Hispanic and minority recruitment initiative, through the normal reprogramming process. The conferees agree that no funds shall be used for the requested market development pilot project. With respect to China 2000, it is expected that the Department will comply with program direction in the Senate report regarding information resource center upgrades. With respect to requested increases related to the WTO Ministerial in Seattle, the Department may propose through the normal reprogramming process that not to exceed $5,000,000 of the funding provided under this heading be used for costs associated with that conference. The Department may also use funding under this account for the participation costs of official delegates to the WTO Ministerial.

The conferees agree that the Department shall follow the program direction and reporting requirements related to worldwide security in both the House and Senate reports. The language in the House report under this heading is to be followed in expending fiscal year 2000 funds, including language on the Advisory Commission on Public Diplomacy, the implementation of Public Law 105–319, and on specific reporting requirements, including a report on compensation provided to the families of the Americans killed in the terrorist bombing of the U.S. Embassy in Nairobi. In addition, this statement of managers adopts by reference the provisions in the Senate report addressing the Arctic Council and the Bering Straits Commission.

The conference agreement does not adopt Senate report language on arms control treaty verification technology, and staffing levels in Berlin and Beijing.

The conferees agree that the Department shall report to the Committees, no later than January 15, 2000, on the Department's plan for implementing recommendations in OIG Memorandum Report 99–SP–013 regarding foreign service tour length, and on the Bureau of Consular Affairs' plan to manage issues related to the entry into the United States of foreign nationals for the 2002 Winter Olympic Games.

The conferees are concerned with what appears to be a large number of State Department employees staffing the Office of the Secretary and the Bureau of Legislative Affairs. The conferees believe the Secretary should be served by the best possible insight and advice, and it is important that potentially overlapping responsibilities among the regional and functional bureaus and the ''Secretariat'' do not produce a confusion of voices on key policy issues. Similarly, the conferees are concerned that unclear lines of responsibility and authority between the Bureau of Legislative Affairs and the various Congressional affairs offices in the regional and functional bureaus have resulted in confused or incomplete liaison with Congress. As a result, the conferees direct the Department to undertake staffing reassessments in these two offices. The Department should develop a plan to streamline staffing authorities and responsibilities and to rationalize the inclusion of staff and functions from USIA and ACDA, and report to the Committees on Appropriations no later than January 15, 2000.

CAPITAL INVESTMENT FUND

The conference agreement includes $80,000,000 for the Capital Investment Fund, the amount included in the House bill, instead of $50,000,000 as proposed in the Senate bill. The provisions in the House report are adopted by reference.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $27,495,000 for the Office of Inspector General, which has jurisdiction over the Department of State and the Broadcasting Board of Governors, instead of $28,495,000 as proposed in the House bill and $26,495,000 as proposed in the Senate bill. The conferees expect that within the funds provided, the Inspector General will continue the current level of security-related audit and oversight activity. The conferees encourage the Inspector General to exercise appropriate oversight over the International Commissions and international broadcasting entities funded under this title.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $205,000,000 for Educational and Cultural Exchange Programs of the Department of State, instead of $175,000,000 as proposed in the House bill and $216,476,000 as proposed in the Senate bill. The conference agreement also provides that not to exceed $800,000 may be credited to this appropriation from fees and other payments.

The availability of significant carryover and recovered funds in this account is noted, and the Department is directed to submit a proposed distribution of the total resources available under this account no later than December 31, 1999, through the normal reprogramming process. The conferees intend that the distribution of funds under this account shall support, to the maximum extent possible, Fulbright Scholarship Programs, Humphrey Fellowships, educational advising and counseling, Citizen Exchange Programs, Pepper Scholarships, the Regional Scholar Exchange Program, the Disability Exchange Clearinghouse, the National Youth Science Camp, and exchanges with Tibet, the South Pacific, and East Timor. Such a distribution shall also include funding at not less than the amounts designated for the following programs: $42,800,000 for the International Visitor Program; $2,656,000 for English language programs; $2,000,000 for American Overseas Research Centers; and $4,000,000 for Muskie Fellowships. To the extent that the Department allocates resources to civic education programs, these programs shall be separately identified and explained in the reprogramming submission.

The conferees agree that enabling Muskie Fellowship Program participants to undertake doctoral graduate study in the social sciences, including economics, in universities in the United States is an appropriate extension of this program. Therefore, the conferees recommend that funding be provided for not more than thirty percent of the program participants to pursue Ph.D. programs. As a condition of participation in the doctoral program, fellows shall perform one year of service in their home countries for every year their study is supported by this program. The conferees expect that not less than thirty percent of each participant's doctoral study be funded from non-Federal sources.

In addition, the conference agreement includes: $2,400,000 for Congress-Bundestag Youth Exchanges; $2,200,000 for Mansfield Fellowships; $100,000 for the Montana Technical Foreign Exchange Program; $400,000 for the Institute for Representative Government; $500,000 for the Irish Institute; $638,000 for the 2001 Special Olympic Winter Games; $500,000 for Olympic and Paralympic Games Youth Camps; and $150,000 for Interparliamentary Exchanges with Korea and China.

The statement of managers adopts by reference language in the House report on NIS exchanges, the number of Congress-Bundestag Youth Exchanges, competition for grant programs, and cooperation between the State Department and non-governmental exchange organizations, as well as language in the Senate report on the U.S./Mexico Conflict Resolution Center.

REPRESENTATION ALLOWANCES

The conference agreement includes $5,850,000 for Representation Allowances, as proposed in the Senate bill, instead of $4,350,000 as proposed in the House bill.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $8,100,000 for Protection of Foreign Missions and Officials, as provided in both the House and Senate bills. The provisions in both the House and Senate reports are adopted by reference.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes $742,178,000 for this account instead of $717,178,000 as proposed in the House bill and $583,496,000 as proposed in the Senate bill.

The conference agreement includes $313,617,000 for the costs of worldwide security upgrades, including $300,000,000 for capital security projects, as proposed in the House bill. The conferees direct the Department to comply with the program direction related to security upgrades in the House report, including the submission of a spending plan within sixty days of the date of enactment of this Act. In proposing such a spending plan, the conferees direct the Department to include an assessment of the need for security upgrades related to housing, schools, and Marine quarters, as described in the Senate report.

The conference agreement includes $25,657,000 in capital program activities for the costs of pending projects in Chengdu, Shenyang and Guangzhou.

The conferees note that the budget request included planned expenditures of $92,500,000 from proceeds of sale of surplus property for opportunity purchases and capital projects. The conferees expect the Department to submit a spending plan for these funds that includes: at least $42,500,000 for opportunity purchases to replace uneconomical leases; at least $25,000,000 for capital security projects; and $5,000,000 for Taiwan design costs. Any additional use of these funds is subject to reprogramming.

The conferees are aware that high operating costs in Paris have prompted a review of the post with the intent of transferring personnel and functions to lower cost cities. The conferees direct the Department to review the operations of the Paris Financial Service Center and determine if any services could be performed in the United States at the Charleston Financial Service Center. The Department shall develop plans to transfer any such services to the United States consistent with the Department's overall financial systems improvement schedule and on a time line that is cost effective. A progress report on Financial Service Center consolidation shall be submitted to the House and Senate Appropriations Committees not later than June 1, 2000.

The conferees are aware the Department is projecting a need for diversity visa processing capacity, and expect the Department to implement plans for a facility to meet such a need in a State previously designated for the purpose of passport processing.

The Department is directed to submit, and receive approval for, a financial plan for the funding provided under this account, whether from direct appropriations or proceeds of sales, prior to the obligation or expenditure of funds for capital and rehabilitation projects. The conferees expect that the amount in the plan for the leasehold program will not exceed $138,210,000. The Department may include in the plan the costs of physical security upgrades including the costs of expanding Marine posts to new locations. The conferees agree that any such amount for expanding Marine posts to new locations shall not exceed half the total costs, in accordance with the existing cost-sharing arrangement.

The overall spending plan shall include project-level detail, and shall be provided to the Appropriations Committees not later than 30 days after the date of enactment of this Act. Any deviation from the plan after approval shall be treated as a reprogramming in the case of an addition greater than $500,000 or as a notification in the case of a deletion, a project cost overrun exceeding 25 percent, or a project schedule delay exceeding 6 months. Notification requirements also extend to the rebaselining of a given project's cost estimate, schedule, or scope of work.

The conferees agree that no additional funding shall be allocated in fiscal year 2000 for the ongoing rehabilitation of the Ambassador's residence in London.

The conferees direct the Department to submit to the Committees a plan to implement the September 1998 recommendation of the Inspector General to sell a certain property in France, referenced in the Senate report.

As in the past, immediate notification is expected if there are facilities that the Department believes pose serious security risks.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $5,500,000 for Emergencies in the Diplomatic and Consular Service account, as provided in the House bill, instead of $7,000,000, as provided in the Senate bill. The conference agreement does not adopt the provision in the Senate report designating not more than $5,000,000 under this account for costs associated with the World Trade Organization conference in Seattle, Washington. The conferees address funding for these costs under the Diplomatic and Consular Programs account.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of $1,200,000 for the Repatriation Loans Program account, as provided in both the House and Senate bills.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $15,375,000 for the Payment to the American Institute in Taiwan account, instead of $14,750,000 as proposed in the House bill and $16,000,000 as proposed in the Senate bill. Increased funding over the fiscal year 1999 level may be used for costs of security upgrades as described in the Senate report. The conferees expect the Department to submit a spending plan to the Committees, as indicated in the House report.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $128,541,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House and Senate bills.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $885,203,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of $842,937,000 as proposed in the House bill, and $943,308,000 as proposed in the Senate bill, of which $836,308,000 was for current year assessments, and $107,000,000 was for payment of arrearages to the United Nations. The conference agreement includes all arrearage payments under a separate account.

The conference agreement includes language providing that none of the funds can be used for the U.S. share of interest costs for loans incurred after October 1, 1984 through external borrowings, as provided in the House bill. The Senate bill did not contain a similar provision.

The conference agreement includes language providing that funds under this account may be used to pay the full United States assessment to the NATO civil budget, as proposed in the House bill. The Senate bill did not contain a similar provision.

The conference agreement contains a provision that $100,000,000 may be made available to the United Nations only on a semi-annual basis pursuant to a certification that the U.N. has taken no action to cause the U.N. to exceed the expected 1998–1999 budget of $2,533,000,000 or a zero nominal growth budget for the biennium 2000–2001 as provided in the House bill. The Senate bill contains no similar provision.

The conference agreement does not contain a number of provisions in the Senate bill relating to payment of arrearages. Arrearages are addressed in a separate account.

The $885,203,000 provided by the conference agreement is expected to be sufficient to fully pay assessments to international organizations. With excess fiscal year 1999 funds, including a transfer from the Contributions for International Peacekeeping account, the conferees expect the Department to prepay $47,040,000 of the fiscal year 2000 assessment for the United Nations regular budget. Consequently, although the budget requested $963,308,000 for this account, based on the prepayment of U.N. assessments and further exchange rate gains, the adjusted request is $885,842,000. The conference agreement does not include requested funding for the Inter-American Indian Institute, the Interparliamentary Union, and the Bureau of International Expositions.

The conference agreement provides funding under this account for assessments for all international organizations. The Senate report proposed to transfer funding for commodity-based organizations to the Commerce Department and funding for the International Telecommunications Union to the Federal Communications Commission. The conferees direct the Department to take the necessary steps to ensure that full and timely payments are made to these organizations.

Provisions in the House report relating to reports on reforms in international organizations, tax equalization adjustments, and the Pan American Health Organization are adopted by reference.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $200,000,000 for Contributions for International Peacekeeping Activities as proposed in the House bill, instead of $387,925,000 as proposed in the Senate bill, of which $143,925,000 was for payment of current year peacekeeping assessments and $244,000,000 was for payment of peacekeeping arrearages. The conference agreement addresses arrearages under a separate account.

The conference agreement includes a provision that, of the total funding provided under this heading, not to exceed $20,000,000 shall remain available until September 30, 2001. The Senate bill made $28,093,000 available until September 30, 2001 and the House bill had no provision on the matter. The conferees intend that before any excess funding shall be carried over into fiscal year 2001 in this account, the Department shall transfer the maximum allowable amount to the Contributions to International Organizations account to prepay the fiscal year 2001 assessment for the United Nations regular budget.

The conference agreement includes a provision that prohibits obligation or expenditure of funds for new or expanded U.N. peacekeeping missions unless, at least 15 days prior to the Security Council vote, the appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and a reprogramming of funds is submitted setting forth the source of funds that will be used to pay for the cost of the new or expanded mission, as included in the House bill. The Senate bill did not contain a provision on this matter.

The conference agreement contains a provision requiring a certification that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for U.N. peacekeeping activities equal to those being given to foreign manufacturers and suppliers, as provided in the House bill. The Senate bill did not contain a provision on this matter.

In addition, the conference agreement includes a provision prohibiting funds from being used to pay the United States share of the cost of judicial monitoring that is part of any United Nations peacekeeping mission, as proposed in the House bill. Thus, if any current or future peacekeeping operation includes judicial monitoring as one of its functions, the U.S. will have to withhold its proportionate share of the cost of any court monitoring that is included in such a mission. This provision was not included in the Senate bill.

The conference agreement does not include several provisions relating to arrearages that were included in the Senate bill, as arrearages are addressed under a separate account.

The conference agreement includes funding for anticipated assessments for peacekeeping missions including those in the Golan Heights, Lebanon, Iraq/Kuwait, Bosnia-Herzegovina, Cyprus, Georgia, Tajikistan, as well as War Crimes Tribunals for Yugoslavia and Rwanda. The conference agreement does not include requested funding for missions in Western Sahara or Haiti. The conference agreement includes additional resources, which may be applied to additional assessments subject to reprogramming requirements. The conferees are aware that additional assessments are expected in fiscal year 2000 for new and expanded peacekeeping missions, including those in Kosovo, Sierra Leone and East Timor.

The statement of managers adopts by reference language in the House report making it clear that the Department is expected to live within the appropriation, to support the work of the United Nations Office of Internal Oversight Service, and to take all actions necessary to prevent conversion of loaned employees into permanent positions at the United Nations.

ARREARAGE PAYMENTS

The conference agreement includes a total of $351,000,000 for arrearage payments, as proposed in the House bill under this account, instead of $107,000,000 and $244,000,000 as proposed in the Senate bill under Contributions to International Organizations and Contributions for International Peacekeeping, respectively. The conference agreement includes $244,000,000 for the payment of arrearages, and an additional $107,000,000 to reduce the total amount of arrearages owed to the United Nations as described in the House report.

The conference agreement makes the expenditure of the entire amount provided under this heading contingent upon enactment of an authorization that makes payment of arrearages contingent upon United Nations reform, and upon a reduction in the U.S. assessment rate for the designated specialized agencies to not more than 22 percent, and upon the achievement of zero nominal growth budgets in the designated specialized agencies for the 2000–2001 biennium, as proposed in the House bill. These conditions are included among the conditions pending as part of the authorization, and are intended to assure that real and substantial reforms are achieved at the U.N. and other international organizations prior to payment of arrearage funding, and that assessment reductions are made that will provide long-term savings to the American taxpayer.

The conferees expect the Department to provide the Committees with a report on the payment of arrearages to international organizations as specified in the House report.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

The conference agreement includes $19,551,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC), as proposed in both the House and Senate bills.

CONSTRUCTION

The conference agreement includes $5,939,000 for the Construction account of the IBWC as proposed in the Senate bill, instead of $5,750,000 as proposed in the House bill. The conferees agree that allocation of funding for specific projects shall reflect the direction in both the House and Senate reports. The conference agreement adopts, by reference, language in the House report regarding the reallocation of funds subject to reprogramming, and a reporting requirement on a certain wastewater treatment situation.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $5,733,000 for the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission, as proposed in both the House and Senate bills. The conference level will provide funding for all three commissions at the fiscal year 1999 levels.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $15,549,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, as proposed in the Senate bill, instead of $14,549,000 as proposed in the House bill.

The conference agreement does not include provisions in the Senate bill limiting the amount to be obligated and expended by the Inter-American Tropical Tuna Commission and prohibiting the importation of tuna from certain countries under certain conditions. The House bill did not contain similar provisions.

The conference agreement adopts, by reference, language in the House report regarding the application of reductions if necessary, and language in the Senate report on funding for the Great Lakes Fishery Commission (GLFC), including sea lamprey operations and research, costs of treating Lake Champlain, and priority to States providing matching funds.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $8,250,000 for the Payment to the Asia Foundation account, instead of $8,000,000 as provided in the House bill, and instead of no funding as provided in the Senate bill.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Trust Fund in fiscal year 2000 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 2000 to be used for necessary expenses of the Israeli Arab Scholarship Program.

EAST-WEST CENTER

The conference agreement includes $12,500,000 for operations of the East-West Center as proposed in the Senate bill, instead of no funds as proposed in the House bill. The conference agreement does not include a transfer of $13,500,000 from the Department of State, Diplomatic and Consular Programs account, as proposed in the Senate bill. The conferees adopt, by reference, the reporting requirement in the Senate report on immersion programs.

NORTH/SOUTH CENTER

The conference agreement includes $1,750,000 for operations of the North/South Center, instead of no funds as proposed in both the House and Senate bills. The conference agreement does not include an earmark of funding under the Educational and Cultural Exchange Programs account for the North/South Center, as proposed in the Senate report.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $31,000,000 for the National Endowment for Democracy as proposed in the House bill, instead of $30,000,000 as proposed in the Senate bill.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $388,421,000 for International Broadcasting Operations, instead of $410,404,000 as proposed in the House bill, and instead of $362,365,000 as proposed in the Senate bill. Rather than funding broadcasting to Cuba under this account, as proposed by the House, all funding for broadcasting to Cuba is included under a separate account, as proposed by the Senate and consistent with the fiscal year 1999 appropriations Act.

The amount provided represents a freeze at fiscal year 1999 funding levels for all broadcast entities funded under this account, as provided in the House bill. The Broadcasting Board of Governors is directed to submit to the House and Senate Committees on Appropriations, no later than sixty days from the date of enactment of this Act, a financial plan including a distribution of the total resources available under this account.

The conference agreement adopts by reference language in the House report requiring a report on management responses to Inspector General recommendations on Radio Marti, and language in the Senate report requiring the submission of a master plan for overseas security.

BROADCASTING TO CUBA

The conference agreement includes $22,095,000 for Broadcasting to Cuba under a separate account, instead of $23,664,000 as proposed in the Senate bill, and instead of $22,095,000 within the total for International Broadcasting Operations, as proposed in the House bill. The conference agreement includes language, as proposed in the Senate bill, that funds may be used for aircraft to house television broadcasting equipment. The House bill did not contain a provision on this matter.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $11,258,000 for the Broadcasting Capital Improvements account, as proposed in the House bill, instead of $13,245,000 as proposed in the Senate bill under the heading ''Radio Construction''. The conference agreement adopts a new name for this account, as requested. This account provides funding for maintenance, improvements, replacements and repairs; satellite and terrestrial program feeds; engineering support activities; and broadcast facility leases and land rentals.

The conferees expect the Broadcasting Board of Governors (BBG) to submit a spending plan within sixty days from the date of enactment of this Act allocating funds available in this account, including carryover balances, to various activities. The conferees encourage the BBG to consider, among other priorities, allocating funding for rotatable transmitting antennas.

The conference agreement includes, by reference, language in the House report regarding ongoing digital conversion efforts.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

*Section 401.*—The conference agreement includes section 401, as provided in both the House and Senate bills, permitting use of funds for allowances, differentials, and transportation.

*Sec. 402.*—The conference agreement includes section 402, as provided in the House bill, dealing with transfer authority. The Senate bill contained a similar provision, allowing transfers of different percentages of appropriations.

*Sec. 403.*—The conference agreement includes section 403, as provided in both the House and Senate bills, authorizing the Secretary of State to administer summer travel and work programs without regard to preplacement requirements.

*Sec. 404.*—The conference agreement includes section 404, as provided in the House bill, making permanent a provision in last year's bill waiving the fee for border crossing cards from Mexico for children under 15. The Senate bill did not include a provision on this matter.

*Sec. 405.*—The conference agreement includes section 405, as provided in both the House and Senate bills, prohibiting the use of funds by the Department of State or the Broadcasting Board of Governors (BBG) to provide certain types of assistance to the Palestinian Broadcasting Corporation (PBC). The conference agreement does not include training that supports accurate and responsible broadcasting among the types of assistance prohibited. The conferees agree that neither the Department of State, nor the BBG, shall provide any assistance to the PBC that could support restrictions of press freedoms or the broadcasting of inaccurate, inflammatory messages. The conferees further expect the Department and the BBG to submit a report to the Committees, before December 15, 1999, detailing any programs or activities involving the PBC in fiscal year 1999, and any plans for such programs in fiscal year 2000.

*Sec. 406.*—The conference agreement includes section 406, proposed in the Senate bill as section 405, prohibiting the use of funds in this or any other Act for the operation of a United States consulate or diplomatic facility in Jerusalem unless such facility is under the supervision of the United States Ambassador to Israel. The House bill did not include a provision on this matter.

*Sec. 407.*—The conference agreement includes section 407, proposed in the Senate bill as section 406, which requires new public documents to describe Jerusalem as Israel's capital as a prerequisite for funding under this or any other Act. This requirement follows State Department practice in such publications as the ''Background Notes'' for Israel. The House bill did not include a provision on this matter.

*Sec. 408.*—The conference agreement includes section 408, as proposed in the Senate bill, prohibiting the use of funds made available in this Act by the United Nations for activities authorizing the United Nations or any of its specialized agencies or affiliated organizations to tax any aspect of the Internet.

*Sec. 409.*—The conference agreement includes section 409, not included in either the House or Senate bill, waiving provisions of existing legislation that require authorizations to be in place for the State Department and the Broadcasting Board of Governors prior to the expenditure of any appropriated funds.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

The conference agreement includes $96,200,000 for the Maritime Security Program instead of $98,700,000 as proposed in both the House and Senate bills. The conferees understand that at least $2,500,000 in carryover funding is available, in addition to the amount provided, to allow full funding for the fiscal year 2000 requirements of the program.

OPERATIONS AND TRAINING

The conference agreement includes $72,073,000 for the Maritime Administration Operations and Training account instead of $71,303,000 as proposed in the House bill and $72,664,000 as proposed in the Senate bill. Within this amount, $34,073,000 shall be for the operation and maintenance of the U.S. Merchant Marine Academy, including $2,000,000 to address maintenance backlogs.

The conference agreement includes $7,000,000 for the State Maritime Academies. Within the amount for State Maritime Academies, $1,200,000 shall be for student incentive payments, the same amount as provided in 1999. The conference agreement includes by reference the language in the Senate report regarding the Great Lakes Maritime Academy.

The conferees agree that the amounts designated for the U.S. Merchant Marine Academy and the State Maritime Academies shall not be used to cover Maritime Administration administrative costs associated with the Academies, as was proposed in the budget request. Such costs shall be covered from funding in this account for MARAD general administration. The conference agreement also includes funding under MARAD general administration under this account to conduct a needs assessment on infrastructure improvements at the U.S. Merchant Marine Academy, as described in the House report. The

conference agreement includes no funds for the Ready Reserve Force for fiscal year 2000. In fiscal year 1996, funding for this account was transferred to the Department of Defnese.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides $6,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of $5,400,000 as proposed in the House bill and $11,000,000 as proposed in the Senate bill. This amount will subsidize a program level of not more than $1,000,000,000 as proposed in both the House and Senate bills.

The conference agreement also includes $3,809,000 for administrative expenses associated with the Maritime Guaranteed Loan Program instead of $3,725,000 as proposed in the House bill, and $3,893,000 as proposed in the Senate bill. The amount for administrative expenses may be transferred to and merged with amounts under the MARAD Operations and Training account.

The conferees understand that MARAD expects to carry over approximately $63,600,000 in this account which may be used as additional subsidy budget authority in fiscal year 2000. The conferees direct MARAD to submit quarterly reports to the Committees on Title XI obligations, including information on total loan principal guaranteed by each separate fiscal year's subsidy appropriation.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund. The conference agreement includes these provisions with the modification as proposed in the House bill, instead of as proposed in the Senate bill.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides $490,000 for the Commission for the Preservation of America's Heritage Abroad, as proposed in the Senate bill, instead of $265,000 as proposed in the House bill. Within the amount provided, the conferees agree that $100,000 is provided as a one-time increase to support Commission efforts to attract private funding for a restoration project in Sarajevo, as described in the House report. The conference agreement includes, by reference, language in the Senate report regarding the completion of surveys in progress.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $8,900,000 for the salaries and expenses of the Commission on Civil Rights as proposed in both the House and Senate bills.

The conferees direct the Commission to expedite the completion of its report on the public hearing conducted on May 26, 1999, in New York on Police Practices and Civil Rights.

The Conferees expect the Commission to keep the Committees informed on the status of management improvements, including developing the ability to plan and budget for projects and to track the progress and ongoing costs of such projects.

ADVISORY COMMISSION ON ELECTRONIC COMMERCE

SALARIES AND EXPENSES

The conference agreement includes $1,400,000 for the Advisory Commission on Electronic Commerce. The Commission was created by Public Law 105–277. The House and Senate bills did not contain funding for the Commission.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes $1,182,000 for the Commission on Security and Cooperation in Europe instead of $1,170,000 as proposed in the House bill and $1,250,000 as proposed in the Senate bill.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $279,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission as proposed in both the House and Senate bills.

Within the total amount, the conference agreement includes $29,000,000 for payments to State and local Fair Employment Practices Agencies (FEPAs) for specific services to the Commission, as proposed in both the House and Senate bills. The conferees encourage the EEOC to utilize the experience the FEPAs have in mediation as the Commission implements its alternative dispute resolution programs. The Committees are willing to entertain proposals to reprogram additional funds to the FEPAs for this purpose.

The conferees expect the EEOC to submit a spending plan to the Committees before December 31, 1999, describing the allocation of funding to various Commission activities, including private sector charge backlog reduction, ADR and mediation initiatives, litigation, and automation improvements. The conferees expect the EEOC to allocate funds as necessary to achieve private sector charge backlog reduction targets, as noted in the House report.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total $210,000,000 for the salaries and expenses of the Federal Communications Commission (FCC) instead of $192,000,000 as proposed in the House bill and $232,805,000 as proposed in the Senate bill. Of the amounts provided, $185,754,000 is to be derived from offsetting fee collections, as proposed in both the House and Senate bills, resulting in a net direct appropriation of $24,246,000, instead of $6,246,000 included in the House bill, and $47,051,000 included in the Senate bill.

The conference agreement does not include a provision, proposed in the Senate bill, giving the FCC the authority to independently operate the FCC headquarters building. The House bill did not contain a provision on this matter.

The conferees did not retain Senate bill language regarding area code conservation. The conferees are aware that the Commission has issued a Notice of Proposed Rulemaking (NPRM) to assist the State public utility commissions in their efforts to conserve numbers in specific area codes. The Commission anticipates issuing an order by the end of the first quarter of 2000. The conferees expect the Commission to keep to this schedule and issue a final order on area code conservation measures no later than March 31, 2000.

The FCC shall report to the Senate Committee on Commerce, Science, and Transportation and Committee on Appropriations and the House Committee on Commerce and Committee on Appropriations no later than November 1, 2000, on what, if any, changes can be made to the Uniform System of Accounts to minimize regulatory burdens on telephone companies without adversely affecting universal service, phone and cable rates, competition, and the ability of the FCC to implement and develop communications policy.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $14,150,000 for the salaries and expenses of the Federal Maritime Commission, as proposed in both the House and Senate bills.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of $125,024,000 for the Federal Trade Commission, instead of $116,679,000 as proposed in the House bill, and $133,368,000 as proposed in the Senate bill. The conference agreement assumes that, of the amount provided, $104,024,000 will be derived from fees collected in fiscal year 2000 and $21,000,000 will be derived from estimated unobligated fee collections available from Fiscal Year 1999. These actions result in a final appropriated level of $0, as proposed in both the House and Senate bills.

The conferees intend that any excess fee collections shall remain available for the Federal Trade Commission in future years. The conference agreement includes language, not included in either the House or Senate bills, specifying that fees may be retained and used notwithstanding a specific provision of law, rather than notwithstanding any provision of law.

The conferees agree that increased resources in this account shall be used to help safeguard consumers and nurture the development of the electronic marketplace, consistent with language in the Senate report.

The conferees support the Commission on its efforts to study the marketing practices of the entertainment industry. The intent of the study is to determine whether and to what extent the industry markets violent material rated for adults to children.

The conferees understand that the FTC recently completed a report raising questions regarding the health effects of regular cigar smoking. The conferees are aware of concerns that cigar and pipe tobacco remain as the last major tobacco products without a uniform Federal health warning label. The conferees direct the FTC to report back to the Committees on Commission plans for implementing new requirements to address this issue.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $300,000,000 for payment to the Legal Services Corporation, as proposed in the Senate bill, instead of $250,000,000, as proposed in the House bill.

The conference agreement provides $289,000,000 for grants to basic field programs and independent audits, $8,900,000 for management and administration, and $2,100,000 for the Office of the Inspector General, as proposed by the Senate. The conferees note that $28,000,000 is provided for civil legal assistance under the Violence Against Women Act program funded under title I of this bill.

The conferees expect that any unobligated balances remaining available at the end of the fiscal year may be reallocated among participating programs for technology enhancements and demonstration projects in succeeding fiscal years, subject to the reprogramming procedures in Section 605 of this Act.

The conferees have concerns about the case service reporting and associated data reports submitted annually by the Corporation's grantees and the case statistical reports submitted by the Corporation to the Congress,

and the conferees direct the Corporation to make improvement of the accuracy of these submissions a top priority, per directions in the House report. The conferees also direct the Corporation to submit its 1999 annual case service reports and associated data reports to Congress no later than April 30, 2000. The Office of the Inspector General will assess the case service information provided by the grantees, and will report to the Committees no later than July 30, 2000, as to its accuracy, as described in the House report. The conference agreement also includes the two feasibility reports described in the House report, due no later than June 1, 2000. The conferees urge the Corporation to provide its annual case service reports by May 1 of each following fiscal year, as described in the House report. The conferees direct the Corporation to keep the Committees fully informed on its study of the issue of the statutory requirement that aliens be ''present in the United States'', as described in the House report.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The Conference recommendation includes bill language to continue the terms and conditions included under this section in the fiscal year 1999 bill, as proposed in the House. The Senate bill contained similar language, but did not propose to continue provisions regarding public disclosure of certain information and treatment of assets and income for certain clients.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $1,270,000 for the salaries and expenses of the Marine Mammal Commission, instead of $1,240,000 as proposed in the House bill and $1,300,000 as proposed in the Senate bill.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $367,900,000 for the Securities and Exchange Commission, instead of $324,000,000 as proposed in the House bill and $370,800,000 as proposed in the Senate bill. The conference agreement includes bill language appropriating separate amounts from offsetting fee collections from fiscal years 1998 and 2000, as proposed in both the House and Senate bills. The conference agreement includes $194,000,000 in fees collected in fiscal year 1998, and $173,800,000 in fees to be collected in fiscal year 2000.

The conference agreement provides for the Commission's adjustments to base and the requested program increases for additional staff and litigation support. Additional amounts are provided to improve enforcement and investor education related to Internet securities fraud as described in the Senate report.

The conferees intend that any offsetting fee collections in fiscal year 2000 in excess of $173,800,000 will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

The conferees agree that the Commission shall conduct a study on the effects on securities markets of electronic communications networks and extended trading hours, as provided in the Senate bill. This report shall be submitted to the Committees no later than March 1, 2000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides an appropriation of $246,300,000 for the Small Business Administration (SBA) Salaries and Expenses account as proposed in the Senate bill, instead of $245,500,000 as proposed in the House bill.

In addition to amounts made available under this heading, the conference agreement includes $129,000,000 for administrative expenses under the Business Loans Program account. This amount is transferred to and merged with amounts available under Salaries and Expenses. The conference agreement includes an additional $136,000,000 for administrative expenses under the Disaster Loans Program account, which may under certain conditions be transferred to and merged with amounts available under Salaries and Expenses. These conditions are described under the Disaster Loans Program account.

The conference agreement provides a total of $107,695,000 for SBA's regular operating expenses under this account. This amount includes $2,000,000 for necessary expenses of the HUBZone program, and $8,000,000 for initiatives to continue the improvement of SBA's management and oversight of its loan portfolio. The SBA shall submit a plan, prior to the expenditure of resources for portfolio management, in accordance with section 605 of this Act.

The conference agreement does not include new program initiatives requested by the SBA for fiscal year 2000. The conference agreement includes the following amounts for noncredit programs:

| | |
|---|---|
| Small Business Development Centers | $84,500,000 |
| 7(j) Technical Assistance | 3,600,000 |
| Microloan Technical Assistance | 23,200,000 |
| SCORE | 3,500,000 |
| Business Information Centers | 500,000 |
| Women's Business Centers | 9,000,000 |
| Survey of Women-Owned Businesses | 790,000 |
| National Women's Business Council | 600,000 |
| EZ/EC One Stop Capital Shops | 3,100,000 |
| US Export Assistance Centers | 3,100,000 |
| Advocacy Research | 615,000 |
| Veterans Outreach | 615,000 |
| SBIR Technical Assistance | 500,000 |
| ProNet | 500,000 |
| Drug-free Workplace Grants | 3,500,000 |
| Regulatory Fairness Boards | 500,000 |
| Total | 138,605,000 |

*Small Business Development Centers (SBDC).*—Of the amounts provided for SBDCs, the conference agreement includes $2,000,000 to continue the SBDC Defense transition program, and $1,000,000 to continue the Environmental Compliance Project, as directed in the House report. In addition, the conference agreement includes language proposed in the Senate bill making funds for the SBDC program available for two years.

*Microloan Technical Assistance.*—The conference agreement includes $23,200,000 for the Microloan Technical Assistance program. The conferees intend that, in addition, any unobligated fiscal year 1999 funds associated with this program will be applied to the fiscal year 2000 program.

*Advocacy Research.*—The conference includes $1,100,000 for Advocacy Research. The conferees encourage the Office of Advocacy to pursue the study identified in the House report on the livestock and agriculture industries.

The conference agreement adopts language included in the House report directing the SBA to fully LowDoc Processing Centers, and to continue activities assisting small businesses to adapt to a paperless procurement environment, as well as activities which assist small businesses in making the transition to meet both military and ISO 9000 quality systems requirements.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $11,000,000 for the SBA Office of Inspector General, instead of $10,800,000 as proposed in the House bill and $13,250,000 recommended in the Senate bill.

An additional $500,000 has been provided under the administrative expenses of the Disaster Loans Program to be made available to the Office of Inspector General for work associated with oversight of the Disaster Loans Program.

The conferees agree that the OIG should allocate resources to the priority areas mentioned in the Senate report.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $260,800,000 under the SBA Business Loans Program Account, instead of $222,792,000 as proposed in the House bill, and $297,368,000 as proposed in the Senate bill.

No appropriation is provided for the costs of direct loans. The conferees understand that $2,500,000 in carryover is available for the Microloan Direct Loan Program, and will support an estimated 2000 program level of over $29,000,000. The conferees direct the SBA to submit the report on Microloan programs requested in the House report.

The conference agreement includes $131,800,000 for the costs of guaranteed loans, including the following programs:

*7(a) General Business Loans.*—The conference agreement provides $107,500,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, instead of $106,400,000 as proposed in the House bill and $118,500,000 as proposed in the Senate bill. When combined with $7,000,000 in available carryover balances and recoveries, this amount will subsidize an estimated 2000 program level of $9,871,000,000, assuming a subsidy rate of 1.16%. In addition, the conference agreement includes a provision, as proposed in the House bill, requiring the SBA to notify the Committees on Appropriations in accordance with section 605 of this Act prior to providing a total program level greater than $10,000,000,000, instead of greater than $10,500,000,000 as proposed in the Senate bill. The conferees agree with the concerns expressed by the Senate that many small businesses are not adequately prepared for the problems they may face from Y2K computer problems and about the impact that the Y2K computer problem may have on the economy and, in particular, on small business owners and their employees. Consequently, the conferees agree that the Small Business Administration must give the highest priority to loans to small businesses to correct Y2K computer problems affecting their own information technology systems or other automated systems, and loans to provide relief for small businesses from economic injuries suffered as a direct result of their own Y2K computer problems or some other entity's Y2K computer problems.

*Small Business Investment Companies (SBIC).*—The conference agreement provides $24,300,000 for the SBIC participating securities program, instead of $21,630,000 as proposed in the House bill, and $25,868,000 as proposed in the Senate bill. This amount will result in an estimated total program level of $1,350,000,000 in fiscal year 2000. No appropriation is provided for the debentures program, as the program will operate with a zero subsidy rate in fiscal year 2000. The conference agreement includes language proposed in the House bill limiting the debentures program to the authorized program level, instead of similar language in the Senate bill.

*Microloan Guaranty Programs.*—The conference agreement does not include new appropriations for the Microloan Guaranty Program, as none were requested. Available carryover will provide for the subsidy costs of, at least, the requested 2000 program level of $15,998,000.

In addition, the conference agreement includes $129,000,000 for administrative expenses to carry out the direct and guaranteed loan programs as proposed in the Senate bill, and instead of $94,000,000 as proposed in the House bill, and makes such funds available to be transferred to and merged with appropriations for Salaries and Expenses

The conference agreement does not include funding requested to initiate the New Markets Venture Capital Program.

DISASTER LOAN PROGRAM ACCOUNT

The conference agreement includes a total of $255,400,000 for this account, of which $119,400,000 is for the subsidy costs for disaster loans and $136,000,000 is for administrative expenses associated with the disaster loans program. The House bill proposed $139,400,000 for loans and $116,000,000 for administrative expenses. The Senate bill provided $77,700,000 for loans and $86,000,000 for administrative expenses.

For disaster loans, the conference agreement assumes that the $119,400,000 subsidy appropriation, when combined with $75,000,000 in carryover balances and $10,000,000 in recoveries, will provide a total disaster loan program level of $920,000,000. The conference agreement takes into account that the Administration requested only $39,400,000 for disaster loan subsidies, which would have supported less than one quarter of an average annual program. The Administration is directed to realistically assess the level of need for the disaster loans program and budget accordingly.

The conference agreement includes language, as proposed in the Senate bill, allowing appropriations for administrative costs to be transferred to and merged with appropriations for Salaries and Expenses. The House bill did not include language allowing such transfers. The conference agreement includes a provision that any amount to be transferred to Salaries and Expenses from the Disaster Loans program account in excess of $20,000,000 shall be treated as a reprogramming of funds under section 605 of this Act. In addition, the conferees agree that any such reprogramming shall be accompanied by a report from the administrator on the anticipated effect of the proposed transfer on the ability of the SBA to cover the full annual requirements for direct administrative costs of disaster loan making and servicing.

Of the amounts provided for administrative expenses under this heading, $500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the Disaster Loans program.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts as proposed in the House bill, instead of a similar provision in the Senate bill.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $6,850,000 for the salaries and expenses of the State Justice Institute (SJI) as proposed in the Senate bill, instead of no funding as proposed in the House bill. The conference agreement does not include the transfer of an additional $8,000,000 to this account from the courts of Appeals, District Courts and Other Judicial Services account in Title III as proposed in the Senate report.

*TITLE VI—GENERAL PROVISIONS*

The conference agreement includes the following general provisions:

*Sec. 601.*—The conference agreement includes section 601, identical in both the House and Senate bills, regarding the use of appropriations for publicity or propaganda purposes.

*Sec. 602.*—The conference agreement includes section 602, identical in both the House and Senate bills, regarding the availability of appropriations for obligation beyond the current fiscal year.

*Sec. 603.*—The conference agreement includes section 603, identical in both the House and Senate bills, regarding the use of funds for consulting services.

*Sec. 604.*—The conference agreement includes section 604, identical in both the House and Senate bills, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

*Sec. 605.*—The conference agreement includes section 605, as included in the House bill, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes, instead of the slightly modified Senate version.

*Sec. 606.*—The conference agreement includes section 606, identical in both the House and Senate bills, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

*Sec. 607.*—The conference agreement includes section 607, identical in both the House and Senate bills, regarding the purchase of American-made products.

*Sec. 608.*—The conference agreement includes section 608, identical in both the House and Senate bills, which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission similar to proposed guidelines covering harassment based on religion published by the EEOC in October, 1993.

*Sec. 609.*—The conference agreement includes section 609, proposed in the House bill as section 610, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

*Sec. 610.*—The conference agreement includes section 610, proposed in the Senate bill as section 609, that prohibits use of funds to expand U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues. The House bill included a similar provision, with minor technical differences.

*Sec. 611.*—The conference agreement includes section 611, modified from section 610 proposed in the Senate bill, which prohibits more than 20% of any account that is available for obligation only in the current fiscal year from being obligated during the last two months of the fiscal year unless the Committees on Appropriations are notified in accordance with standard reprogramming procedures, with an exemption to this limitation for grant programs. The House bill did not contain a provision on this matter.

*Sec. 612.*—The conference agreement includes section 612, identical in both the House and Senate bills, which prohibits the use of funds to provide certain amenities for Federal prisoners.

*Sec. 613.*—The conference agreement includes section 613, proposed as section 612 in the House bill, restricting the use of funds provided under the National Oceanic and Atmospheric Administration for fleet modernization activities. The Senate bill did not contain a provision on this matter.

*Sec. 614.*—The conference agreement includes section 614, proposed as section 612 in the Senate bill, which requires agencies and departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or department. The House bill included this provision as section 613, with minor technical differences.

*Sec. 615.*—The conference agreement includes section 615, as proposed in both the House and Senate bills, which prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material that is sexually explicit or features nudity to a prisoner.

*Sec. 616.*—The conference agreement includes section 616, as proposed in both the House and Senate bills, which limits funding under the Local Law Enforcement Block Grant to 90 percent to an entity that does not provide public safety officers injured in the line of duty, and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty.

*Sec. 617.*—The conference agreement includes a provision, proposed as section 616 in the House bill, which prohibits funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services provided to all U.S. citizens, including the processing of applications to establish foreign trade zones. The Senate bill did not contain a provision on this matter.

*Sec. 618.*—The conference agreement includes section 618, proposed as section 615 in the Senate bill, which extends the prohibition in last year's bill on use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti. The provision also adds two names to the list of victims, and extends the exemption and reporting requirements from last year's provision. The House bill did not contain a provision on this matter.

*Sec. 619.*—The conference agreement includes section 619, proposed as section 617 in the House bill and carried in the fiscal year 1999 Act, which prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and prohibits implementation of a background check system which does not require or result in destruction of certain information. The Senate bill included a similar provision as section 616, requiring immediate destruction of such information.

*Sec. 620.*—The conference agreement includes section 620, proposed as section 618 in the House bill, which delays obligation of any receipts deposited into the Crime Victims Fund in excess of $500,000,000 until October 1, 2000. The conferees have taken this action to protect against wide fluctuations in receipts into the Fund, and to ensure that a stable level of funding will remain available for these programs in future years.

*Sec. 621.*—The conference agreement includes section 621, proposed as section 620 in the House bill, which prohibits the use of funds to implement or prepare to implement the Kyoto Protocol on Climate Change prior to Senate ratification of the treaty. The Senate bill did not contain a provision on this matter.

*Sec. 622.*—The conference agreement includes a new section 622, which provides additional amounts for the Small Business Administration, Salaries and Expenses account for the following small business initiatives: $2,500,000 for continuation of an outreach program to assist small business development; $2,000,000 for infrastructure to develop a facility to increase small business opportunities and economic development; $3,000,000 for infrastructure to develop a facility that will serve as an incubator for small arts-related businesses; $750,000 for a skills training program for small business owners; $2,500,000 for infrastructure to develop a technology and training center; $1,000,000 to develop a facility and operate an institute for small business and workforce development; $1,000,000 to develop an education network; $1,000,000 for a technical assistance program for at-risk small businesses; $1,900,000 for infrastructure for a regional resource facility for small tourism businesses; $1,000,000 for a science and technology small business loan fund; $8,550,000 for infrastructure to develop a workforce development and skills training facility; $2,000,000 for a one-stop resource center for technology start-up businesses; $200,000 for a resource center for rural small business; $200,000 for a community development foundation; $500,000 for a training and technology center and associated infrastructure improvements; $500,000 for a program for technology-based small business growth; $500,000 for a project to develop strategic plans for technology-based small business development; $200,000 for infrastructure to develop a facility; $150,000 for a small business entrepreneurial education center; $300,000 for a microenterprise loan program; and $250,000 for a small business incubator facility.

*Sec. 623.*—The conference agreement includes a section, modified from the Senate bill, that authorizes the establishment and initial capitalization of the Pacific Salmon Restoration Fund, comprised of the Northern Boundary Fund and the Southern Boundary Fund. In addition, to satisfy further requirements under the 1999 Pacific Salmon Treaty Agreement negotiated by the Administration, it includes a provision stating that the 1999 agreement meets the requirements of the Endangered Species Act. In addition, it addresses structural issues concerning the Pacific Salmon Commission. It also authorizes funds in fiscal year 2000 for Pacific Coastal Salmon Recovery that are appropriated under title II of this Act, subject to requirements for a 25 percent non-federal match and a 3 percent limitation on administrative expenses, with certain exceptions.

*Sec. 624.*—The conference agreement includes section 624, proposed as section 627 in the Senate bill, which makes fiscal year 1999 appropriations associated with implementation of the American Fisheries Act of 1999 available until expended. The House bill did not contain a similar provision.

*Sec. 625.*—The conference agreement includes a new provision, numbered as section 625, which amends section 635 of Public Law 106–58 by inserting the words ''the carrier for'' after ''if'' in subsection (b)(2), and ''or otherwise provide for'' after ''to prescribe'' in subsection (c).

*Sec. 626.*—The conference agreement includes section 626, proposed as section 801 in the House bill, which prohibits the use of Department of Justice funds for programs which discriminate against, denigrate, or otherwise undermine the religious beliefs of students participating in such programs. The Senate bill did not contain a provision on this matter.

*Sec. 627.*—The conference agreement includes section 627, proposed as section 802 in the House bill, which prohibits the use of funds to process visas for citizens of countries that the Attorney General has determined deny or delay accepting the return of deported citizens. The Senate bill did not contain a provision on this matter.

*Sec. 628.*—The conference agreement includes section 628, proposed as section 803 in the House bill, which prohibits the use of Department of Justice funds to transport a high security prisoner to any facility other than to a facility certified by the Bureau of Prisons as appropriately secure to house such a prisoner. The Senate bill did not contain a similar provision.

*Sec. 629.*—The conference agreement includes section 629, modified from language proposed as section 804 in the House bill, which prohibits funds from being used for the participation of United States delegates to the Standing Consultative Commission unless the President submits a certification that the U.S. Government is not implementing a 1997 memorandum of understanding regarding the 1972 Anti-Ballistic Missile Treaty between the U.S. and the U.S.S.R., or the Senate ratifies the memorandum of understanding. The Senate bill did not include a provision on this matter.

*Sec. 630.*—The conference agreement includes section 630, proposed as section 805 in the House bill, which prohibits funds for any activity in support of adding or maintaining any World Heritage Site in the U.S. on the List of World Heritage in Danger. The Senate bill did not include a provision on this matter.

The conference agreement does not include a provision, proposed as section 619 in the House bill, regarding Global Change Research assessments. However, the conferees direct that funds provided in this Act not be used to publish Global Change Research assessments unless the research has been subjected to peer review and made available to the public, and the draft assessment has been published in the Federal Register for a 60 day public comment period.

The conferees direct the General Accounting Office (GAO) to report to the Committees on Appropriations concerning certain land grant claims associated with the implementation of the Treaty of Guadalupe-Hidalgo (1848). The GAO shall submit a report to the Committees on Appropriations by December 29, 2000, which includes an assessment of the following: (1) whether citizens of the United States were illegally deprived of their property rights in contravention of the Treaty; (2) the legal obligation of the United States to protect the rights of community land grants under the Treaty; (3) the actions taken by the United States to fulfill any legal obligations related to such protections in this or other treaties; (4) the remedies available under current law if such legal obligations were not met; and (5) the potential effects of these remedies on intervening legal rights and Tribal land claims.

## TITLE VII—RESCISSIONS

### DEPARTMENT OF JUSTICE

#### DRUG ENFORCEMENT ADMINISTRATION

##### DRUG DIVERSION CONTROL FEE ACCOUNT

##### (RESCISSION)

The conference agreement includes a rescission of $35,000,000 from the amounts otherwise available for obligation in fiscal year 2000 for the ''Drug Diversion Fee Account'', as proposed in the Senate bill. The House bill did not include a rescission from this account.

#### IMMIGRATION AND NATURALIZATION SERVICE

##### IMMIGRATION EMERGENCY FUND

##### (RESCISSION)

The conference agreement includes a rescission of $1,137,000, the total remaining unobligated balances available in the Fund, as proposed in the House bill. The Senate bill did not include a rescission from the Fund.

### DEPARTMENT OF STATE AND RELATED AGENCY

#### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

##### (RESCISSION)

The conference agreement includes a rescission of $15,516,000 from unobligated balances in this account, instead of $14,829,000 as proposed in the House bill and $18,870,000 as proposed in the Senate bill. This amount is the remaining unobligated balances of funding originally provided to support the costs of relocating the headquarters of Radio Free Europe/Radio Liberty from Munich to Prague.

### RELATED AGENCIES

#### SMALL BUSINESS ADMINISTRATION

##### BUSINESS LOANS PROGRAM ACCOUNT

##### (RESCISSION)

The conference agreement includes a rescission of $13,100,000 from unobligated balances under this heading, instead of $12,400,000 as proposed in the House bill and no rescission as proposed in the Senate bill. This amount represents monies received by the SBA from the repurchase of preferred stock, and previously available to provide certain SBIC debenture guarantees. This funding is no longer required as the SBIC debentures program will have a zero subsidy rate in fiscal year 2000.

### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

| | |
|---|---|
| New budget (obligational) authority, fiscal year 1999 | $36,197,272 |
| Budget estimates of new (obligational) authority, fiscal year 2000 | 49,562,980 |
| House bill, fiscal year 2000 | 37,677,283 |
| Senate bill, fiscal year 2000 | 35,384,564 |
| Conference agreement, fiscal year 2000 | 39,005,685 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1999 | +2,808,413 |
| Budget estimates of new (obligational) authority, fiscal year 2000 | −10,557,295 |
| House bill, fiscal year 2000 | +1,328,402 |
| Senate bill, fiscal year 2000 | +3,621,121 |

HAROLD ROGERS,
JIM KOLBE,
CHARLES H. TAYLOR,
RALPH REGULA,
TOM LATHAM,
DAN MILLER,
ZACH WAMP,
BILL YOUNG,
JOSÉ E. SERRANO,
JULIAN C. DIXON,
ALAN MOLLOHAN,

LUCILLE ROYBAL-ALLARD,
*Managers on the Part of the House.*

JUDD GREGG,
TED STEVENS,
PETE DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
BEN NIGHTHORSE CAMPBELL,
THAD COCHRAN,
ERNEST HOLLINGS,
DANIEL INOUYE,
BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
ROBERT C. BYRD,
*Managers on the Part of the Senate.*

## APPOINTMENT AS MEMBERS TO COMMISSION ON ONLINE CHILD PROTECTION ACT

The SPEAKER pro tempore. Without objection, and pursuant to Section 1405(b) of the Child Online Protection Act (47 U.S.C. 231) and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on Online Child Protection:

Mr. James Schmidt, California, engaged in the business of making content available over the Internet;

Mr. George Vrandenburg, Virginia, engaged in the business of providing domain name registration services;

Mr. Larry Shapiro, California, engaged in the business of providing Internet portal or search services.

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 8 of rule XX, the filing of the conference report on H.R. 2670 has vitiated the following two motions to instruct conferees on that bill:

1. The motion offered by the gentleman from Oklahoma (Mr. COBURN), which was debated yesterday and on which further proceedings were postponed; and

2. The motion offered by the gentleman from Michigan (Mr. UPTON), which was debated earlier today and on which further proceedings were postponed.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Mr. BURTON 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 Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio 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 Arizona (Mr. SALMON) is recognized for 5 minutes.

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

## ENRIQUE ''KIKI'' CAMARENA RED RIBBON RALLY

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

Mr. GREEN of Texas. Mr. Speaker, on Thursday of last week, October 14, I had the opportunity to speak to 1,000 student leaders in front of the State Capitol in Austin, Texas during the second annual Enrique ''Kiki'' Camarena Red Ribbon Rally about drug prevention. While I would have normally been here debating and voting on the VA-HUD conference report, the Motor Carrier Safety Act, and the D.C. appropriations bill, I could not pass up this opportunity to speak at this rally.

The ''Kiki'' Camarena Red Ribbon Rally was sponsored by both Federal, State, and local law enforcement agencies, along with State and community drug prevention organizations, including the DEA, the FBI, the U.S. Marshals Service, Houston Crackdown, the U.S. Attorney for the Southern District of Texas, Customs, the Texas Federation of Parents, Kick Drugs Out of America, Partnership for a Drug-Free Texas, and the Texas Commission on Alcohol and Drug Abuse. I was invited by our director in Houston of the Drug Enforcement Administration.

Mr. Speaker, this is the second annual ''Kiki'' Camarena Red Ribbon Rally. I could not go last year because of votes, but this year I was able to attend. Again, it is hard to say no to someone who is literally putting their life on the line every day, that both Customs, DEA, and FBI agents and all of our law enforcement are, to make our country safe from this scourge of drugs that we have.

For people's benefit that they may not know, the rally was named in honor of Enrique ''Kiki'' Camarena, the Drug Enforcement Administration special agent who suffered a traffic death while being kidnapped in Mexico in 1985. I was proud to share the stage with Myrna Camarena, Kiki's sister. Kiki Camarena sacrificed, and the sacrifice of other law enforcement officers should never be forgotten. They have paid the ultimate price for our safety, and we should pledge to never forget.

As Members of Congress, we deal with many important issues, but I believe that none are more important than recognizing the sacrifice of law enforcement officers providing solutions, including effective treatment for drug addiction. By our involvement last Thursday, we demonstrated that in Texas we are serious about our involvement to reduce and end substance abuse.

I was proud to be there for a number of reasons. One, it was sponsored by a great many law enforcement agencies who typically are concerned with catching the people who are the users or the people who are selling, or the smugglers. Yet, this rally, with 1,000 students and the red ribbon, talking about the red ribbon day, that it was aimed not just at the effort for law enforcement, but for prevention; to be able to have schools and different agencies there to say, we need to do a better job in treatment and prevention. That is why it was a great rally, and it was good to see our law enforcement agents, again, who typically are out on the frontline protecting our country from drugs to be there and say well, we cannot do all of the job. We have to stop it with the young people that we have in our State and our country to make sure that they do not succumb and be addicted to drugs.

We owe a huge debt to the men and women who put their lives at risk to ensure our children's lives in the future are safe. I appreciate the opportunity to be present at that rally and to be one of the keynote speakers.

We have come a long way to eradicate substance abuse, but we still have a long way to go. One of the concerns I have is that on a national basis, we have seen a lessening in the use of illegal drugs by the general population, but we have seen an increase in the younger population, our youth. So what we need to do, and with those 1,000 young people there on the State Capitol steps in Austin, is to rededicate our effort not only for law enforcement, but also for prevention, and for treatment to where we can hopefully keep these young people from becoming addicted to drugs.

## THE FIFTY STATES COMMEMORATIVE COIN PROGRAM ACT

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

Mr. METCALF. Mr. Speaker, recently Congress passed the 50 States Commemorative Coin Program Act. Let me congratulate the work of past chairman of the Subcommittee on Domestic and International Monetary Policy, the gentleman from Delaware (Mr. CASTLE). Through his faithful work, we have seen this important legislation become law.

The 50 States Commemorative Coin Act authorizes the Mint to issue five new quarters each year for the 10-year period beginning in 1999. The coins are issued in the sequence that a particular State ratified the Constitution and

were admitted to the Union. Many of us have already seen the five new State quarters minted this year with designs from Delaware, Pennsylvania, New Jersey, Georgia, and Connecticut. The Act authorizes the Secretary of the Treasury to select the design and determine the number of quarters to be issued with each of the new designs. The statute outlines standards for designs and establishes a selection process for each State that includes consultation with State officials, the Commission of Fine Arts, and the Citizens Commemorative Coin Advisory Committee.

The new coins also establish a sense of pride in honoring the 50 States and the heritage they represent. But very importantly, the Act is a tool that will help lower the debt of the United States. That is right. The U.S. coins from the penny to the dollar actually turn a profit. In fact, last year, the Mint returned a profit of over $1 billion to the taxpayer. This is often an overlooked element that can be an important tool to slow the looming public debt of this Nation.

The 50 States Commemorative Coin Program Act estimates the 10-year coin program for the quarter would produce $110 million in earnings or approximately $11 million annually, coming mostly from the coins sold as commercial products from the Mint. Frankly, the quarter program is already a huge success. In fact, the Mint has dedicated its main phone line to answer questions about the quarters and how to order them. Last year, the U.S. Mint made 1.6 billion quarters. This year the Mint plans to make 5.6 billion, due to the new design.

Clearly, this $110 million yield expected on the new quarter is a significant amount. But the real savings comes in what is called seigniorage. Seigniorage is the difference between the face value of the coin and the coin's cost of production. The costs include coin processing operations, transportation costs and related overhead.

Specifically, to manufacture a quarter costs around 5 cents to the Treasury. Thus, the government is realizing a 20 cent profit per quarter put into circulation. Therefore, the anticipated seigniorage profit to the Treasury for the new quarters is estimated between $2.6 billion and $5.1 billion. Let me repeat that again. The anticipated profit to the Treasury and ultimately to the taxpayer is $2.6 billion to $5.1 billion, depending on how many they make.

□ 1930

Let us extrapolate for a moment. Next year, the Mint will start producing the new gold-colored Sacajawea $1 coin. The seignorage accrued from the dollar coin is estimated to be around 85 to 90 cents per coin. Imagine, 90 cents profit returned to the taxpayer for every dollar coin produced.

Congress talks a lot about balancing budgets, but with the national debt way over $5 trillion maybe it is time we start targeting our new profits from coins toward eliminating the cloud of debt that still hangs over us. Maybe we can actually find a silver lining and reduce the debt for our children.

## VOICES AGAINST VIOLENCE CONFERENCE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I rise today before this great Chamber to share with my colleagues one of the greatest moments that I have experienced as a Member of Congress.

Today I participated in a discussion with the chaperons for the Voices Against Violence Conference which is being held today and tomorrow on Capitol Hill. Voices Against Violence is a national student conference whose purpose is to add the voices of America's high school students to the debate in Washington over what to do about youth violence.

LaDasha Richardson and George Whitfield of the Cleveland School of the Arts, of the Cleveland Municipal School District, are representing my district, the 11th Congressional District of Ohio.

LaDasha and George started the Students Against a Violent Environment, SAVE, a grass-roots organization comprised of students from around the city of Cleveland, that is committed to assisting and educating children and young adults on how to make our communities safe and more positive.

Today I want to applaud their efforts. I also want to recognize the chaperones who have accompanied students like LaDasha and George here today who too are committed to making the lives of our children better. Because of their commitment, I asked each chaperone what we can do as elected officials to make their vision a reality.

I asked each to complete a card giving their name, the area they represented and if they could tell Congress one thing what that one thing would be. Here to my right are some of the comments which highlight what we in Congress need to do to make the lives of our children better, in the words of these various chaperons.

Later on my colleague, the gentlewoman from California (Mrs. CAPPS), the gentleman from North Carolina (Mr. ETHERIDGE), the gentleman from South Carolina (Mr. CLYBURN), and I, will be talking about the statements that these chaperons have made.

Charlie Jackson, an assistant principal at Brooks County High School in Quitman, Georgia says, ''More money is needed to provide the opportunities and experiences to help our kids overcome the issues they face.''

Luis Beltre of New York City writes, ''Although young people cannot vote, we must empower them and instill in them a sense of pride because they do count. We should create a National General Youth Council that will express the voice of young people today.''

Mike Stauropoulus of Memphis, Tennessee, writes, ''Democrats and Republicans must do a better job of making kids their priority and not their own political agendas. It is very discouraging to see the waste of time and energy being wasted in Washington as one party tries to show up the other. If you want the people to have a voice, then listen to them and make them a priority.''

Robert Brutcher of Illinois writes, ''I do not want to appear ungrateful but please do not give me money for extra teachers until you send me money to build another room in which they can teach. Make me accountable for educating my students but give me the tools. Help me and my colleagues make opportunities for our kids.''

Anne Christensen of Minnesota writes, ''Our children know what is happening. Please listen to them. Put more money into programs and early prevention.''

Albert Harper of Coventry, Connecticut, writes, ''So long as any child is disenfranchised from the promise of a future in America, we have talked without hope and our children fall in disrepair and violence.''

Deborah A. Covarrubia of San Antonio, Texas, writes, ''The most influential aspect of a young person's life is the education they receive. Parents, teachers and mentors should take more responsibility in teaching ethics. Ethics in education should be emphasized. God's law is man's law.''

Kathleen Kropf of Macomb, Michigan writes, ''Homeless children from working poor families continues to grow at an alarming rate in our country. These children and their families need to be acknowledged and assisted. Why in the richest country in the world do 10 percent of our citizens go to bed hungry every night? There should be no, quote, hungry or homeless children in our country today. We cannot assist them without acknowledging and addressing this problem.''

Finally, Roger Barnes of La Crosse, Wisconsin, writes, ''The main thing is to keep the main thing the main thing. For me, the main thing is our youth. Character does count. When it comes to character, we must put politics aside and do the right thing. Send a strong message about the moral fiber which made this country great. When we tolerate immorality at the highest levels, the message is overwhelming and becomes a disease which permeates the entire population.''

Mr. Speaker, I appreciate this opportunity to speak to the issues of the chaperons.

## THE LEGION OF HONOR

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 of North Carolina. Mr. Speaker, as the year 2000 quickly approaches, I believe that we are in a unique position to reflect upon our Nation's history and the constant commitment of our United States veterans. These are the men and women who have accepted the highest responsibility and made the greatest sacrifice to preserve freedom and liberty for their brothers and sisters. Their dedication to protect our country and preserve the principles that it was founded upon have ensured and provided for the survival and strength of this Nation.

Last year, we celebrated the 80th Anniversary of Armistice Day, a day that marked the end of World War I. The first world war became known as the ''Great War.'' It was fought to make the world safe for democracy. The government of France decided to mark the anniversary of the signing of the Armistice by awarding the Legion of Honor, France's highest decoration, to Americans and other allied veterans who served in the ''Great War'' on French soil.

Mr. Speaker, whenever we have been involved in conflict, brave citizens have always answered the call to duty. The first world war was no exception. The United States sent over 4.5 million troops into battle and over 100,000 never came home. These individuals gave their lives to protect our country and the freedoms we all enjoy today.

Today we have approximately 3,200 living World War I veterans, half of whom are believed to have served in France during the war. Harvey Lewis Gray of Carteret County, North Carolina, had just turned 18 in 1917 when he joined his fellow Americans in the ''Great War'' in the fight against tyranny.

Corporal Gray was one of almost 2 million Americans sent across the ocean to fight alongside French soldiers. He served in the United States Army from April of 1917 to April of 1919 and served in the 26th Division in France. This year, Harvey Gray is celebrating 100 years of life. I am proud that the Third District of North Carolina, which I have the honor to represent, is home to such a courageous soldier.

On October 7 of this year, Harvey Gray received the Legion of Honor award surrounded by his family and friends. His commitment to his Nation can only be matched with his commitment to his family. I could not be more proud to represent such a fine soldier and a fine man. Harvey Gray's effort in the name of freedom is unforgettable and worthy of the recognition and tribute he has received, and more.

Mr. Speaker, my grandfather was gassed during World War I at the Battle of Argonne. While my grandfather was fortunate enough to survive, thousands of others lost loved ones. The courage of these brave soldiers and the courage of all who have served this Nation have provided for the free democratic nation we enjoy today.

Daniel Webster once said, and I quote, ''And by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of wisdom or peace, and of liberty, upon which the world may gaze with admiration forever.''

Mr. Speaker, it is because of the strength and courage of men and women like Harvey Gray that America is free today. Our United States veterans symbolize the greatness of this Nation. They represent the America that rose to greatness on the shoulders of ordinary citizens. While we can never thank them enough for their sacrifice, we can recognize the heroic courage of our veterans who fought for our freedom.

Harvey Gray, I thank you and your country thanks you for your courage and your service to this great Nation.

## CHAPERONES AND VOICES AGAINST VIOLENCE

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, I thank my colleague, the gentlewoman from Ohio (Mrs. JONES) for organizing this special order. Earlier today, I had the honor of addressing 180 very special people, the chaperons who have accompanied students from around this country in today's historic Voices Against Violence Conference. Clearly these professionals care about kids. Many of them work in schools or community centers, dealing with our young people and with youth-related issues every day.

This week, they are serving as effective listeners, allowing students to express their views about the violence which has permeated their lives and surrounds them. I am proud that Raquel Lopez from Santa Barbara is escorting three students from the 22nd district of California. Raquel has spent her career working with youth in her community as a counselor to teen mothers, as an advocate for a local youth center and as a leadership development director for Girls, Incorporated.

Raquel does great work in our community, on the line every day, and is a wonderful presence at this conference.

Today's meeting away from the students for a few hours, chaperons were able to state their own views on why there is so much violence surrounding our students. I wanted to share some of their insightful comments on reducing youthful violence.

Maria Brenes from Oakland, California, says, ''I strongly recommend that a national youth leadership initiative be implemented to provide positive alternatives as a larger violence prevention; to empower our youth.''

Marcia Kaplan from New Jersey says, ''We need some form of parenting education in the school system so that we can provide parents with tools that they need to deal with our kids,'' with their children, ''today, and the issues that they face.''

Lucy Santini Smith from Michigan has stated, ''We must listen and determine together what programs should be funded, like after school programs and mentoring programs, demonstrate to them that Congress does listen, cares deeply and initiates real programs.''

Finally, Benton Billings, a teacher from Lansing, Michigan, said, ''If we really want to get at the heart of our Nation's school violence problems, the kids must be involved in the dialogue. They really know what is going on and what solutions would work best.''

Mr. Billings, I could not agree with you more. In our efforts to understand and curtail violence among our youth, we sometimes forget to consult our kids. That is a mistake. It is time for us to learn from them. And just by being here, these committed individuals are allowing this to happen. I salute all of the adults who make this Voices Against Violence Conference possible. They really created the event so that the students could attend by coming along with them. As important as our work here in Washington is, we know that the real work in reducing youth violence will come from within our communities themselves.

Our chaperones are going to help make that happen. We have a responsibility here in Congress. We need to set our own priorities straight, with our children and with our young people in mind, as a number one priority, so that the appropriate resources will be available for them in our communities and through the dedicated community heroes who work with them each and every day.

## VOICES AGAINST VIOLENCE ADDRESS ISSUES INVOLVING YOUTH

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

Mr. ETHERIDGE. Mr. Speaker, like my colleague who preceded me to the podium here this evening, I had the opportunity this morning to speak to 180 of the chaperons who were here with the over 400 students who are here today and tomorrow meeting on and talking about and using their voice, Voices Against Violence, so that those of us who serve in these halls might hear them.

Today and tomorrow, these youngsters from all across this country are participating in this conference and they are going to address the issues involved in youth violence.

□ 1945

As most of my colleagues know, before I came to this body, I was privileged to serve for 8 years as State superintendent in North Carolina. I certainly have some understanding of

what a difference these young people and their adult chaperones can make.

Parents involved and adults involved with children make all the difference in the world because they really are on the frontline of the common-sense solutions that we are searching here and across the country.

Our children's safety ought not to be about partisan politics. It ought not to even be about differences. It really ought to be what we can do jointly together in Congress at the State and local level, in the private sector, and in our communities to make our schools the safest place that our children attend.

We need to support early intervention and prevention. There is no question about that. We need to put resources there. We have to recognize and acknowledge and work toward parents as the first teachers. There is no question about that. But a lot of parents do not know how to be good teachers, and we need to help them. We need to do better jobs of that.

Certainly, we need to fund Head Start and Smart Start, make sure that children have the kind of care and services that they need to grow up to be productive and good citizens. It will save a lot of money later on and make a big difference when these young people get to be teenagers and adults.

We heard today about character education. It is the moral lens, in my opinion, that we look at right and wrong. In North Carolina, we call it North Carolina values, because we instituted character education a number of years ago. I will talk about that a little more in a minute.

Certainly where we need them, we need resource officers in our schools for the protection to make sure they are safe; and that means we ought to have zero tolerance for violence, and it must be enforced.

But I want to commend the young people in my district who are participating in these conferences these 2 days. Anna Tomaskovic-Devey of Garner is a student at Enloe High School in Raleigh, North Carolina. She is doing an excellent job. I had a chance to talk with her. She is participating in the conference. Sunay Shah, a Southeast Raleigh High School junior is making a contribution, and he will take this back to his community, as will George Moore, Jr. of Coats, a Triton High School senior in Dunn.

I want to thank, this evening, the chaperone, Pam Callahan. She also serves as SDA advisor to the school and has been in involved in the school life for many years.

Finally, let me just read a couple of the recommendations that these chaperones have made from across the country. Florence Wethe from Walnut Creek, California, she said, ''We need to teach core values. It must be taught to our young people in schools. They need to know the difference between right and wrong. Many times, they do not have that, and right and wrong, such as respect, responsibility, decision making, diversity, sharing, and appreciating the differences that we share.'' I think she is absolutely right.

Here is another one from Annabelle Blackstone from St. Louis, Missouri. She says, ''Invest your money in our children. Their schools, their teachers, their communities. They are angry. They are miserable because they believe adults do not really care anymore.''

What Annabelle is saying is, where we put our resources is what we value. If we really value our children, we need to put our resources there.

Finally, Mr. Speaker, I will read one last card Kim Minor of Pennsylvania. ''Class sizes matter in all grades. Teenagers need to know and be heard by teachers as much as first graders.'' Kim, you are absolutely right.

## NO TAX INCREASES OR RAIDS ON SOCIAL SECURITY, JUST FISCAL RESPONSIBILITY

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I wanted to start off reading a letter that I received in my office from a couple, and I am just going to say Julia and Walter L. from Minneapolis, Minnesota. They actually were not writing me, but they carboned me on it. They were writing their own Representative.

It said, ''Dear Congressman, We are Social Security recipients, and we vote. Despite the assurances of politicians, we are anxious about the safety of the Social Security Trust Fund. Specifically, we would appreciate your reply to the statement by Congressman JACK KINGSTON of Georgia today on the House floor.

''Mr. KINGSTON stated that President Clinton wants to spend 30 percent more on foreign aid and to fund that increase entirely from the Social Security Trust Fund. We would like you to respond to Representative KINGSTON's statement on the House floor.''

Well, I am not sure if this particular Representative did respond or not, but I would like to respond to Julia and Walter L.'s letter myself and say here is the situation that we are in with the budget, and foreign aid happens to be the first bill that the President has vetoed and required more spending of. Now, he has also vetoed the Washington, D.C. budget, but I think that is because he wanted to have some more abortion language put in there or some other social reasons. So, really, it was not that much that related to money.

But the situation that we are in really started in 1997, 1997 when the Democrats and the Republicans passed a bipartisan budget agreement. This 1997 agreement said that we are going to spend X amount of dollars each year until the budget is balanced, and then we are going to continue on that and pay down the debt.

It is one thing, Mr. Speaker, to wipe out one's deficit which is one's annual shortfall, but it is another thing to actually go out and pay down the debt.

The easiest way to envision that is to just think about one's MasterCard. Most Members have a MasterCard or a Visa. Most people do. Imagine if, each month, one were in the red on that, and one could not quite pay it off. But, finally, one month, one paid it off. Well, that does not mean that one is going on a spending spree because the bank is still saying, ''Glad you paid it off this month, but what about the 3 previous months? You have got to go back and pay that amount.''

Well, Congress has one heck of a credit card, and we have run up the national debt of well over $5.4 trillion. That is trillion. That is an inconceivable amount of money if my colleagues think of one of the things that Mr. Larry Burkett said in the book called The Coming Economic Earthquake, that if one stacked thousand dollar bills up one on top of each other, to get to $1 million, it would come to about 4 inches high. About that high, Mr. Speaker.

But if one stacked thousand dollar bills on top of each other, to get to $1 trillion, it is 33 miles high. That is the difference between $1 million and $1 trillion as depicted by thousand dollar bills.

So we have this $5.4 trillion debt. So we should not go on a spending spree. Regardless of what the President wants to spend it on, it is not good to go on a spending spree. Now, we know that he has done that in Bosnia. We have already spent $12 billion in Bosnia. Our troops were originally supposed to be there for, I think, a year, maybe 2 years. Now, 5 years later, we are still in Bosnia and in the Balkans and Yugoslavia and everywhere else, $12 billion and 5 years later.

Well, so now we have got this 1997 historic bipartisan budget agreement. Now the question is: Do we stick with it? To me, when one makes an agreement, one knows down home in Georgia, and I know it is this way in Minnesota, one sticks with one's agreement.

Now, unfortunately, we do not do that many agreements on a handshake anymore. We put things in writing. We call them contracts. This thing was actually in writing. Should it now be up to one party to enforce that agreement? Should the Democrats alone be responsible because they voted for it? Should they? Or should the Republicans alone be responsible because they voted it? No. Both parties should be responsible, Democrats and Republicans. Yet, sadly, it seems that the White House has forgotten all about this agreement, and they do not want to participate in it anymore.

So here we are in a budget crisis. Now we have got three choices. The President wants to spend more money

in foreign aid, more money to North Korea, more money to Iran, more money to Iraq, more money to Russia, more money to the former Soviet States.

We can get money from three ways around here, or we can balance the budget in three ways. Number one, we can cut spending in one program to put it into another. Number two, we can raise taxes. Well, today on the House floor, we gave the President and his liberal allies a chance to raise taxes.

As my colleagues know, the President's tax increase proposal was for $19.2 billion, and he has said many times he wants to increase the tax on cigarettes. That was in there. There were all kinds of user fees. So on this $19 billion tax and fee increase package that the President of the United States sent to Congress, we had a vote on it. Today that vote failed 419 to zero. That is right. On a bipartisan basis, all the Democrats and all the Republicans who voted voted against the President's tax increase proposal. So that eliminates that.

So if we do not want to cut spending, we do not want to raise taxes, then the last pot of money in this town is to raid the Social Security Trust Fund. That is why we are saying that the President is willing to raid the Social Security Trust Fund to spend more money on foreign aid.

Now think about this, Mr. Speaker, grandmother, grandfather sitting around the breakfast table, reading the newspaper, sipping a little coffee, writing a letter to the grandchildren, commenting on the morning news. They happen it see, ''Hey, look at this, honey. The President wants to increase foreign aid, 30 percent increase. We are spending $12.7 billion going to foreign countries, money that was raised on the backs of hard-working taxpayers in America. We are already spending $12.7 billion on foreign countries. The President wants to spend more.''

So the grandmother may turn to the grandfather and say, ''Honey, where would he get that money?'' Well, it looks like he is going to get it out of our Social Security because his $19 billion tax increase package has failed. One can blame that on Congress, but all the Democrats voted to kill his tax increase. Well, maybe the President will cut spending elsewhere.

Well, do my colleagues know what is funny? I read here that Speaker HASTERT and the gentleman from Texas (Mr. ARMEY) met with the President today at the White House, and he said, ''No, we are not going to cut spending.'' Well, that leaves Social Security.

We have a huge Social Security surplus right now. But we have said in the Republican side, we do not want to spend one dime of Social Security on any reason except for Social Security. This is a profound change of culture in this town.

Let me show my colleagues a chart that was prepared by the gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations. I hope I am holding this still. I hope I am putting it in the eye of the camera. But this is spending from the Social Security Trust Fund. It starts out at the far end of the column, and it shows that, from 1980 to 1984, the way we did our accounting, no money for general operating purposes came out of the Social Security Trust Fund.

So here is the chart. Spending from the Social Security Trust Fund, 1980 to 1984, zero money. That is actually an accounting reference. It is not truly accurate. But do my colleagues know what? I was not in Congress in 1984, and there may have been some good things that happened. There may have been some bad things that happened in the budget that year. But I am not going to worry, for practical purposes, about the 1980 to 1984 budget.

□ 2000

But look what happened in 1984. Money started coming out of the Social Security Trust Fund for general operating expenses. In 1985 about $10 billion. In 1986, $20 billion. Here in 1989, we are up to $50 billion coming out of the Social Security Trust Fund. And then here it dips. And I am glad it dipped, although I am not exactly sure why. And then it goes back up.

And, sadly, I want to say that this has happened under Democrat and Republican control. This part of the chart, Democrat controlled; this part is Republican controlled. But now, in a drop, a change in the culture in this town, in the year 2000 we have not spent one nickel out of the Social Security Trust Fund. This is an extremely important and extremely historical fact that we have to really pound over and over again; that this is not speculation, this is not rhetoric, this is truth.

Now, I am going to go back to the desk and I will read a paper on that.

Now, Mr. Speaker, the Congressional Budget Office, and we are all used to hearing, and we loosely throw the term around, the CBO. That is the Congressional Budget Office. It kind of sounds like a bunch of pointy-head, bean-counting accountants. And maybe they are a little bit over there. But I have a lot of respect for accountants and number crunchers. People who can look at numbers 8 hours a day have to be very smart. Well, we sent a letter down to those folks and we asked them under our budget, for the last year, have we spent any money out of the Social Security surplus? And they wrote back to the Speaker of the House, the gentleman from Illinois (Mr. HASTERT).

Now, remember, this is a nonpartisan group. These people are true to the numbers only. They cannot be manipulated one way or the other. On September 30, 1999, Dan Crippen, who is the Director of the Congressional Budget Office, he wrote the Speaker of the House back and said, ''You requested that we estimate the impact on the fiscal year 2000 Social Security surplus using CBO's economic and technical assumptions based on a plan whereby net discretionary outlays for fiscal year 2000 will equal $592.1 billion. CBO estimates that this spending plan will not use any of the projected Social Security surplus in the fiscal year 2000.''

So let me repeat that, because there is a little accounting jargon in here. Basically, the important part for my colleagues and I to concentrate on and be proud of is that the CBO, again the Congressional Budget Office, estimates that this spending plan will not use any of the projected Social Security surplus in fiscal year 2000.

This is so important, because we have finally likened this to the guy who has been bobbing around out in the sea and finally gets on to the beach. That does not mean he is guaranteed survival, it just means he is not going to drown any more. He is safely on the beach. So we have finally gotten to the point where we are not spending Social Security surplus funds. And, now, what will happen?

Well, now the President is putting pressure on us and wants to break the budget agreement and wants to spend Social Security. Again, I am saying that because the political will to raise taxes is not there. The vote today, 419 to 0. Every single Democrat, every single Republican said no to the President's $19.1 billion tax increase. So we are saying no to that and the President is saying no to less spending. So the conclusion of any logical person is that he wants to take the money out of Social Security. I hope that he will reconsider that position.

It is really not the President who is worried about it. I think it is the Vice President. Because a recent article in The Washington Post says that Vice President GORE's plan is to take money out of Social Security; that that is part of Vice President GORE's budget. This might be one reason why Bill Bradley is doing so well. I do not know, and I do not want to get into the politics of that, but if I were the Bradley folks right now, I would pay real close attention to that.

So let us talk about the Republican budget plan in general. We have basically a triangle, and the top of that triangle is we want to save and protect Social Security. Republicans do not want to use any of that money for any purposes except for Social Security. But if we go back into where we were 10 months ago, we know that the President of the United States 10 months ago, the Clinton-Gore people, proposed spending 40 percent of the budget surplus and $344 billion of Social Security on more government programs.

The President stood in that well right in front of the Speaker of the House and said that we should protect 60 percent of the budget surplus. Well, why 60 percent? If we were to put money in a retirement account, it should be there for our retirement.

Imagine working for X, Y, Z Wigits. Let us say we work for a shoe company, and we worked hard for that shoe company for 25 years on the factory line, and we put money into the retirement account. And then, lo and behold, the day came to retire and the boss said, well, guess what, I needed some new production equipment a couple of years ago, so I put that retirement money into that. But, hey, do not worry, it was well spent. And then later I needed a little money for a raise for another worker, for somebody else, and so I gave some of that money for that. And then, of course, the new sign on the shoe factory, we needed to get that paid for, so I took that out of the retirement fund, too.

If that happened to an American worker, he or she would sue and wind up owning that shoe factory, because that is the law of the land. But in Congress we can take grandmother's Social Security money and spend it on roads and bridges and congressional salaries and departments and bureaucrats all day long and there is no problem with it.

But we have stopped that. And that is the very big significance between the Democrat and the Republican Party, is that for the first time in history we have said no to spending the Social Security surplus on anything but Social Security. It is the first point of our budget, 100 percent of Social Security, and we put it in what we call a security lockbox. And the security lockbox just says that not only are we not going to spend it by voting not to spend it, but we are even going to create an accounting mechanism to make sure that the trust fund is safely locked away.

So we did that. We called it a lockbox, and it passed here on an overwhelming basis. It went over to the Senate and, lo and behold, the Senate, under the direction of the Clinton-Gore team, has said no to the lockbox. So now it is stuck over there. But I call on the liberals in the Senate to please, please do what they can do to get this thing done, because it is very important. Again, it had bipartisan support on the floor of the House.

Well, we took another step in our budget. We went to debt reduction. We do not talk about debt reduction around here, we talk about wiping out the deficit, the annual debt, but we do not talk about paying down the debt. Our budget pays down $2.2 trillion in debt, and that is real important for my small children. Little 8-year-old Jim Kingston would love to live in a debt-free America one day, and I am going to do everything I can to make it happen.

These are the main points of our budget, Mr. Speaker. We do not want to spend Social Security money. We want to protect and preserve it. We want to stop the raid on it. I think it is a very important proposal, and I certainly hope that the President and the Vice President will work with us. Because it is important not just for America's seniors, not just for the next election, but for the next generation.

## RECESS

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2125

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 9 o'clock and 25 minutes p.m.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–401) on the resolution (H. Res. 335) waiving points of order against the conference report to accompany the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2, THE STUDENT RESULTS ACT

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–402) on the resolution (H. Res. 336) providing for consideration of the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of family health emergency.

Mr. WISE (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of personal business.

Mrs. FOWLER (at the request of Mr. ARMEY) for today after 3:00 p.m. on account of personal business.

Mr. CAMP (at the request of Mr. ARMEY) for today on account of the birth of his daughter.

## 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 Mrs. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. CLYBURN, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, on October 26.

Mr. DIAZ-BALART, for 5 minutes, today and October 20.

Mr. METCALF, for 5 minutes, today.

Mrs. WILSON, for 5 minutes, October 20.

Mr. JONES of North Carolina, for 5 minutes, today.

Mrs. CHENOWETH-HAGE, for 5 minutes, today and October 20.

Mrs. MORELLA, for 5 minutes, today.

## ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 659. An act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

H.J. Res. 71. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

## BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 18, 1999:

H.R. 3036. To restore motor carrier safety enforcement authority to the Department of Transportation.

H.R. 2684. Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 356. To provide for the conveyance of certain property from the United States to Stanislaus County, California.

On October 19, 1999:

H.J. Res. 71. Making further continuing appropriations for the fiscal year 2000, and for other purposes.

## ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 20, 1999, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4815. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the New England and Other Marketing Areas; Delay of Effective Date [DA–97–12] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4816. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Sweet Cherries Grown in Designated Counties in Washington; Change in Pack Requirements [Docket No. FV99–923–1 IFRC] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4817. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Animal and Plant Health Inspection Service [Docket No. 97–118–2] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4818. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Belgium Because of BSE [Docket No. 97–115–2] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4819. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Benzoic Acid, 3, 5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide; Pesticide Tolerance [OPP–300928; FRL–6382–6] (RIN: 2070–AB78) received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4820. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sethoxydim; Pesticide Tolerances for Emergency Exemptions [OPP–300932; FRL–6385–9] (RIN: 2070–AB78) received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4821. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyrithiobac Sodium Salt; Time-Limited Pesticide Tolerance [OPP–300935; FRL–6386–5] (RIN: 2070–AB78) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4822. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agecny's final rule—Pyriproxyfen; Pesticide Tolerance [OPP–300917; FRL–6381–3] (RIN: 2070–AB78) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4823. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Metolachlor; Extension of Tolerance for Emergency Exemptions [OPP–300934; FRL–6386–1] (RIN: 2070–AB78) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4824. A letter from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting the Department's final rule—The Secretary's Recognition of Accrediting Agencies (RIN: 1845–AA09) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4825. 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 Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee SIP Regarding Use of LAER for Major Modifications and Revisions to the Tennessee SIP Regarding the Coating of Miscellaneous Metal Parts [TN–158–2–9942(a); TN–211–1–9943(a); TN–215–1–9944(a); TN–221–1–9945(a); FRL–6452–8] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4826. 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; Kern County Air Pollution Control District Yolo-Solano Air Quality Management District [CA71–168a; FRL–6452–3] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4827. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; VOCs from Paint, Resin and Adhesive Manufacturing and Adhesive Manufacturing and Adhesive Application [MD093–3040] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4828. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes; Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters (RIN: 2050–AE05) [FRL–6458–8] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4829. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Enhanced Inspection & Maintenance Program [MD081–3043a; FRL–6449–3] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4830. 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; Texas; Repeal of Board Seal Rule and Revisions to Particulate Matter Regulations [TX–79–1–7328a, FRL–6459–8] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4831. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Acceptable Programs For Respiratory Protection—received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4832. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters [Docket No. 99–SW–13–AD; Amendment 39–11358; AD 99–21–13] (RIN: 2120–AA64) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Madison, WI [Airspace Docket No. 99–AGL–43] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Rockport, TX [Airspace Docket No. 99–ASW–12] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4835. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Jefferson, IA [Airspace Docket No. 99–ACE–31] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Hebron, NE [Airspace Docket No. 99–ACE–27] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4837. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Smith Center, KS [Airspace Docket No. 99–ACE–32] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Platinum, AK [Airspace Docket No. 99–AAL–11] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Antlers, OK [Airspace Docket No. 99–ASW–17] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Noise Certification Standards for Propeller-Driven Small Airplanes [Docket No. FAA–1998–4731; Amendment No. 36] (RIN: 2120–AG65) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4841. A letter from the Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, and –315 Series Airplanes [Docket No. 98–NM–321–AD; Amendment 39–11352; AD 99–21–09] (RIN: 2120–AA64)

received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4842. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gifts and Inheritances [Rev. Rul. 99–44] received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4843. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Time For Recharacterizing 1998 IRA Contributions [Announcement 99–104] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on 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. GOODLING: Committee on Education and the Workforce. Supplemental report on H.R. 2. A bill to send more dollars to the classroom and for certain other purposes (Rept. 106–394, Pt. 2).

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 1887. A bill to amend title 18, United States Code, to punish the depiction of animal cruelty; with an amendment (Rept. 106–397). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS: Committee of Conference. Conference report on H.R. 2670. A bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–398). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 754. A bill to establish a toll free number under the Federal Trade Commission to assist consumers in determining if products are American-made; with an amendment (Rept. 106–399). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. House Resolution 278. Resolution expressing the sense of the House of Representatives regarding the importance of education, early detection and treatment, and other efforts in the fight against breast cancer (Rept. 106–400). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 335. Resolution waiving point of order against the conference report to accompany the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–401). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 336. Resolution providing for consideration of the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes (Rept. 106–402). Referred to the House Calendar.

### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 3070 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. MATSUI, Mr. GEPHARDT, Mr. BONIOR, Mr. STARK, Mr. COYNE, Mr. LEVIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. DOGGETT, Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, Mr. LUTHER, Mr. TIERNEY, and Mr. VENTO):

H.R. 3099. A bill to amend the Internal Revenue Code of 1986 to prevent the continued use of renouncing United States citizenship as a device for avoiding United States taxes; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 3100. A bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes; to the Committee on Commerce.

By Mr. BRYANT (for himself, Mr. TANNER, and Mr. HILLEARY):

H.R. 3101. A bill to respond to drought conditions in various States by authorizing farmers and ranchers in drought areas to use certain conservation reserve lands for haying and grazing during the remainder of 1999; to the Committee on Agriculture.

By Mr. WELLER (for himself, Mr. FOLEY, Mr. CRANE, Mrs. BIGGERT, and Mr. SHIMKUS):

H.R. 3102. A bill to amend the Internal Revenue Code of 1986 to eliminate foreign base company shipping income from foreign base company income; to the Committee on Ways and Means.

By Ms. DEGETTE (for herself, Mr. WAXMAN, Mr. GREEN of Texas, Mr. LUTHER, Mr. FROST, Mr. WYNN, Mr. FILNER, Mr. THOMPSON of Mississippi, and Mr. OBERSTAR):

H.R. 3103. A bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program; to the Committee on Commerce.

By Ms. KAPTUR:

H.R. 3104. A bill to provide needed flexibility to the United States Department of Agriculture to help developing countries and move surplus commodities from the United States; to the Committee on Agriculture.

By Mrs. MALONEY of New York (for herself, Mr. YOUNG of Florida, Mr. HORN, Mr. MCNULTY, Mr. ANDREWS, Ms. BERKLEY, Mr. SHERMAN, Mrs. MORELLA, Mr. NADLER, Mr. WAXMAN, Mr. CONDIT, Ms. ROS-LEHTINEN, Mr. MCGOVERN, Mr. FROST, Mr. WEINER, Mr. ABERCROMBIE, and Mrs. LOWEY):

H.R. 3105. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Mrs. MALONEY of New York:

H.R. 3106. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer; to the Committee on Education and the Workforce, 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. MASCARA:

H.R. 3107. A bill to amend title XVIII of the Social Security Act to extend coverage of immunosuppressive drugs under the Medicare Program to cases of transplants not paid for under the program; 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. MORAN of Kansas (for himself and Mr. HALL of Texas):

H.R. 3108. A bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA (for herself, Mrs. CLAYTON, Mr. HOLT, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. PALLONE, Mr. PASCRELL, Mr. ROTHMAN, Mr. PAYNE, Mr. HAYES, Mr. JONES of North Carolina, and Mr. LOBIONDO):

H.R. 3109. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a grant program for assisting small businesses and agricultural enterprises in meeting disaster-related expenses; to the Committee on Transportation and Infrastructure.

By Mr. SALMON (for himself, Mr. KOLBE, and Mr. SHADEGG):

H.R. 3110. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and 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. THORNBERRY (for himself, Mr. SANDLIN, and Mr. WATTS of Oklahoma):

H.J. Res. 72. A joint resolution granting the consent of the Congress to the Red River Boundary Compact; to the Committee on the Judiciary.

By Mr. BONILLA (for himself, Mr. STENHOLM, Mr. BRADY of Texas, Mr. SANDLIN, Mr. THORNBERRY, Mr. PAUL, Mr. COMBEST, Mr. SESSIONS, Mr. SHOWS, Mr. SMITH of Texas, Mr. BARTON of Texas, Mr. DICKEY, Mr. ORTIZ, Mr. WICKER, Mr. WATTS of Oklahoma, Mr. GREEN of Texas, Mr. HALL of Texas, Mr. MCINTYRE, Mr. PICKERING, Mr. JOHN, Mr. LUCAS of Kentucky, and Mr. TAYLOR of Mississippi):

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress that prayers and invocations at public school sporting events contribute to the moral foundation of our Nation and urging the Supreme Court to uphold their constitutionality; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself, Mr. LANTOS, Mr. ACKERMAN, and Mr. PALLONE):

H. Con. Res. 200. Concurrent resolution expressing the strong opposition of Congress to the military coup in Pakistan and calling for a civilian, democratically-elected government to be returned to power in Pakistan; to the Committee on International Relations.

By Ms. KAPTUR:

H. Con. Res. 201. Concurrent resolution expressing the sense of Congress with respect to the power of agricultural humanitarian assistance, in the form of a millenium good will food aid initiative, to help guide developing countries down the path to self sufficiency; to the Committee on International Relations, 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.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. BISHOP.
H.R. 73: Mr. LARGENT.
H.R. 274: Mr. DIAZ-BALART.
H.R. 303: Ms. GRANGER, Mr. DEMINT, Mr. BONILLA, Mr. DAVIS of Illinois, Mr. CAMPBELL, Mr. UDALL of New Mexico, Mr. FOLEY, Mr. THOMPSON of Mississippi, and Mr. KUCINICH.
H.R. 306: Mrs. JONES of Ohio and Mr. TOWNS.
H.R. 329: Mr. RAHALL and Mr. CARDIN.
H.R. 382: Mr. EVANS, Ms. ESHOO, Mr. OLVER, Mr. WEINER, Mr. CROWLEY, and Mr. LANTOS.
H.R. 389: Mrs. THURMAN.
H.R. 407: Mr. SOUDER.
H.R. 443: Mr. MCGOVERN.
H.R. 460: Mr. EHRLICH.
H.R. 531: Ms. PELOSI.
H.R. 534: Mr. ETHERIDGE, Mr. MOORE, and Mr. WEXLER.
H.R. 595: Mr. NADLER.
H.R. 623: Mr. ROGAN and Mr. SWEENEY.
H.R. 721: Mr. FORBES and Mr. KENNEDY of Rhode Island.
H.R. 729: Mr. WAXMAN.
H.R. 742: Mr. UDALL of New Mexico.
H.R. 765: Mr. HUTCHINSON, Mr. WHITFIELD, Mr. CALLAHAN, Mr. PICKETT, Mr. HASTINGS of Washington, Mr. SIMPSON, Mr. BLUNT, and Ms. BROWN of Florida.
H.R. 783: Mr. HOEFFEL and Mr. WALSH.
H.R. 784: Mr. SCHAFFER.
H.R. 827: Mrs. LOWEY and Ms. BERKLEY.
H.R. 864: Mr. ABERCROMBIE.
H.R. 865: Mr. SCHAFFER.
H.R. 961: Mr. WYNN and Mr. HASTINGS of Florida.
H.R. 976: Mr. FOSSELLA and Ms. PELOSI.
H.R. 997: Mr. DIAZ-BALART.
H.R. 1046: Mr. THOMPSON of California.
H.R. 1060: Mr. FRANK of Massachusetts.
H.R. 1071: Mr. HOYER, Mr. LAMPSON, and Ms. LOFGREN.
H.R. 1095: Mr. PRICE of North Carolina, Mr. BOEHLERT, and Mr. MARTINEZ.
H.R. 1107: Mr. LATOURETTE and Mr. BOEHLERT.
H.R. 1111: Mr. HASTINGS of Florida.
H.R. 1115: Mr. ETHERIDGE, Mr. WATT of North Carolina, Mr. VENTO, Mr. REYNOLDS, Mr. HEFLEY, Mr. HOBSON, Mr. HOUGHTON, and Mr. TANNER.
H.R. 1129: Ms. NORTON.
H.R. 1174: Mr. FLETCHER.
H.R. 1227: Ms. MCKINNEY.
H.R. 1239: Mr. LEVIN and Mr. JEFFERSON.
H.R. 1267: Ms. JACKSON-LEE of Texas.
H.R. 1290: Mr. BILIRAKIS, Mr. LINDER, and Mr. HERGER.
H.R. 1313: Mr. BERMAN.
H.R. 1329: Mr. WHITFIELD.
H.R. 1367: Mr. SENSENBRENNER.
H.R. 1396: Mr. GEORGE MILLER of California.
H.R. 1456: Mr. MCINTOSH.
H.R. 1457: Mr. TURNER.
H.R. 1593: Mr. MCINNIS.
H.R. 1598: Mr. THOMPSON of California, Mr. HOBSON, and Mr. SIMPSON.
H.R. 1622: Mr. CLEMENT.
H.R. 1675: Mr. HALL of Ohio.
H.R. 1775: Mr. LOBIONDO, Mr. DIAZ-BALART, Ms. VELÁZQUEZ, Mr. BASS, Mr. PAYNE, Mr. HINCHEY, Mr. NADLER, Mr. GANSKE, Mr. MORAN of Virginia, Mr. DEFAZIO, and Mr. TAYLOR of Mississippi.
H.R. 1816: Mr. PRICE of North Carolina.
H.R. 1838: Mr. TIAHRT, Mr. HUTCHINSON, Mr. HOEFFEL, and Mr. MEEKS of New York.
H.R. 1841: Mr. SABO and Mr. MARTINEZ.
H.R. 1926: Mr. THOMPSON of California.
H.R. 2059: Mr. STRICKLAND.
H.R. 2060: Mr. CONYERS and Mr. OWENS.
H.R. 2119: Mr. ROMERO-BARCELÓ.
H.R. 2120: Mr. LUTHER.
H.R. 2200: Mr. MARTINEZ and Mr. LUTHER.
H.R. 2241: Mr. KANJORSKI, Mr. PICKERING, and Mr. CANADY of Florida.
H.R. 2244: Mr. ROGAN and Mr. WAMP.
H.R. 2258: Mrs. MALONEY of New York, Mr. BONIOR, and Mr. NADLER.
H.R. 2269: Mr. FRANKS of New Jersey.
H.R. 2303: Mr. VISCLOSKY and Mr. BONILLA.
H.R. 2420: Mrs. MORELLA, Mr. WATKINS, Mr. PACKARD, Mr. MCINTOSH, Mr. COOKSEY, Mr. CARDIN, Mr. ENGLISH, Mr. DUNCAN, and Mr. MOAKLEY.
H.R. 2498: Mr. BURTON of Indiana, Mr. PALLONE, Mr. CLEMENT, Mrs. BONO, and Mr. GREEN of Texas.
H.R. 2539: Mrs. BONO.
H.R. 2543: Ms. DUNN and Mr. COBLE.
H.R. 2544: Ms. PRYCE of Ohio and Mr. ISAKSON.
H.R. 2554: Mr. CUNNINGHAM.
H.R. 2631: Mrs. CAPPS, Ms. LOFGREN, and Mr. THOMPSON of Mississippi.
H.R. 2686: Mr. SISISKY.
H.R. 2697: Mr. LAMPSON.
H.R. 2722: Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. LAMPSON, Ms. JACKSON-LEE of Texas and Ms. BALDWIN.
H.R. 2726: Mr. SHOWS, Mr. ARMEY, and Mrs. EMERSON.
H.R. 2730: Mr. ABERCROMBIE, Mr. WAXMAN, Mrs. FOWLER, Mr. MCNULTY, Mr. BARRETT of Wisconsin, Mrs. JONES of Ohio, Mr. FARR of California, Mr. WATT of North Carolina, Mr. FROST, Mr. MEEKS of New York, Ms. DELAURO, and Mrs. CLAYTON.
H.R. 2732: Mrs. MCCARTHY of New York.
H.R. 2733: Mr. BATEMAN, Mr. HORN, and Mr. SOUDER.
H.R. 2750: Mrs. CLAYTON and Mr. TRAFICANT.
H.R. 2764: Mr. SNYDER and Mr. BECERRA.
H.R. 2774: Mr. WYNN.
H.R. 2790: Mr. HILLIARD.
H.R. 2807: Mr. WATT of North Carolina.
H.R. 2825: Mr. SUNUNU, Mr. STEARNS, and Mr. SCHAFFER.
H.R. 2868: Mr. BLUMENAUER, Mr. WAXMAN, Mr. VENTO, Ms. PELOSI, Mr. STRICKLAND, Mr. HOLT, Mr. KUCINICH, and Ms. MCKINNEY.
H.R. 2901: Mr. RILEY.
H.R. 2909: Mr. RADANOVICH, Mr. LUTHER, and Mr. FOLEY.
H.R. 2960: Mr. SESSIONS and Mr. GIBBONS.
H.R. 2962: Ms. MILLENDER-MCDONALD, Ms. WATERS, and Mr. FOLEY.
H.R. 2999: Mr. ROGAN.
H.R. 3003: Mr. LANTOS and Mr. FILNER.
H.R. 3027: Mr. ENGLISH, Mr. TURNER, and Mr. SMITH of Michigan.
H.R. 3059: Mr. MCINNIS.
H.R. 3075: Mr. SUNUNU.
H.R. 3082: Mr. SAM JOHNSON of Texas and Mr. ENGLISH.
H.J. Res. 21: Mr. BARTLETT of Maryland.
H.J. Res. 53: Mr. HASTINGS of Washington and Mr. HEFLEY.
H. Con. Res. 30: Mr. DEMINT.
H. Con. Res. 62: Ms. BERKLEY, Mr. THOMPSON of California, and Mr. FILNER.
H. Con. Res. 89: Mr. DOYLE, Mr. SOUDER, and Mr. WOLF.
H. Con. Res. 119: Mr. FOSSELLA.
H. Con. Res. 175: Mr. SHAYS, Mr. WOLF, and Mr. LANTOS.
H. Con. Res. 188: Mr. CASTLE.
H. Con. Res. 189: Mr. PALLONE.
H. Res. 41: Mr. FRELINGHUYSEN, Mrs. NORTHUP, Ms. RIVERS, Mrs. ROUKEMA, Mr. SANDLIN, Mr. SKELTON, and Ms. WATERS.
H. Res. 298: Mr. LANTOS, Mr. MARTINEZ, Mrs. LOWEY, Ms. SLAUGHTER, Ms. BERKLEY, Mr. REYES, Mr. DEUTSCH, Mr. FORD, and Mr. BERMAN.
H. Res. 325: Mr. SMITH of Michigan, Mr. BORSKI, Mr. MCINTYRE, Mr. JENKINS, and Mr. DAVIS of Virginia.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

### H.R. 2

OFFERED BY MR. GOODLING

AMENDMENT NO. 5: In section 1112(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (10), by striking the ''and'' after the semicolon;

(2) in paragraph (11), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(12) a description of the criteria established by the local educational agency pursuant to section 1119(b)(1).

In section 1124(c)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) in subparagraph (A), strike ''and'' after the semicolon;

(2) in subparagraph (B), strike the period and insert ''; and''; and

(3) add at the end the following:

''(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4).''.

In section 1124(c)(4) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) insert before the first sentence the following: ''For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.'';

(2) in the first sentence after the sentence inserted by paragraph (1)—

(A) insert ''the number of such children and'' after ''determine''; and

(B) insert ''(using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October)'' after ''fiscal year''.

Amend subparagraph (C) of section 1701(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill, to read as follows:

''(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).''.

In section 5204(a) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), insert ''the design and development of new strategies for overcoming transportation barriers,'' after ''effective public school choice''; and

(2) in paragraph (2)(A), after ''inter-district'' insert ''or intra-district''; and

(3) amend subparagraph (E) to read as follows:

''(E) public school choice programs that augment the existing transportation services necessary to meet the needs of children participating in such programs.''.

In section 5204(b) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), after the semicolon insert ''and'';

(2) strike paragraph (2); and

(3) redesignate paragraph (3) as paragraph (2).

In section 9116(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

(1) insert ''funds for'' after ''(b) shall include''; and

(2) strike '', or portion thereof,'' and insert ''exclusively serving Indian children or the funds reserved under any program to exclusively serve Indian children''.

In section 15004(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 301 of the bill, strike ''state, or federal laws, rules or regulations'' and insert ''State, and Federal laws, rules and regulations''.

In section 1121(c)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''1 year'' and insert ''2 years''.

In the heading for section 1123 of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, insert ''**CODIFICATION OF**'' before ''**REGULATIONS**''.

In section 1126(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''maintenance to schools'' and insert ''maintenance of schools''.

In the heading for section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''GENERAL'' and all that follows through the semicolon.

In section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''Regulations required'' and all that follows through ''Such regulations shall'' and insert ''Regulations issued to implement this Act shall''.

In section 1138A(b)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike '', provided that the'' and all that follow through the end of the paragraph and insert a period.

In section 1138A(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, redesignate paragraph (2) as paragraph (3), and insert the following new paragraph (2) after paragraph (1):

''(2) NOTIFICATION TO CONGRESS.—If draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 are not issued in final form by the deadline provided in paragraph (1), the Secretary shall notify the appropriate committees of Congress of which draft regulations were not issued in final form by the deadline and the reason such final regulations were not issued.

In section 5209(a) of Public Law 100–297, as proposed to be amended by section 420 of the bill—

(1) strike ''106(f)'' and insert ''106(e)'';

(2) strike ''106(j)'' and insert ''106(i)''; and

(3) strike ''106(k)'' and insert ''106(j)''.

In section 722(g)(3)(C) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(C)), as proposed to be amended by section 704 of the bill—

(1) in clause (i), strike ''Except as provided in clause (iii), a'' and insert ''A''; and

(2) amend clause (iii) to read as follows:

''(iii) ''If the child or youth needs to obtain immunizations or immunization records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations or immunization records in accordance with subparagraph (E).''

In section 722(g)(3)(E)(i) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(E)(i)), as proposed to be amended by section 704 of the bill, strike ''except as provided in subparagraph (C)(iii),''.

In section 1112(g) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106(f) of the bill strike paragraph (2)(A) and insert the following:

''(2) CONSENT.—

''(A) AGENCY REQUIREMENTS.—

''(i) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

''(I) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

''(II) instruction is tailored for limited English proficient children.

''(ii) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

''(iii) RESPONSE NOT OBTAINED.—

''(I) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in that it has given such notice and its specific efforts made to obtain such consent.

''(II) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

''(III) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

At the end of the bill, add the following:

## TITLE IX—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

### SEC. 901. PROGRAMS AUTHORIZED.

Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended to read as follows:

## ''TITLE VII—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

## ''PART A—ENGLISH LANGUAGE EDUCATION

### ''SEC. 7101. SHORT TITLE.

''This part may be cited as the 'English Language Proficiency and Academic Achievement Act'.

### ''SEC. 7102. FINDINGS AND PURPOSES.

''(a) FINDINGS.—The Congress finds that—

''(1) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential;

''(2) limited English proficient children must overcome a number of challenges in receiving an education in order to enable such children to participate fully in American society, including—

''(A) segregated education programs;

''(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

''(C) the limited English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

''(D) a need for additional teachers and other staff who are professionally trained and qualified to serve such children;

''(3) States and local educational agencies need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to children who need special assistance because English is not their dominant language;

''(4) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act), including native residents of the outlying areas, have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States;

''(5) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local educational agencies take appropriate action to provide equal educational opportunities to children of limited English proficiency; and

''(6) research, evaluation, and data collection capabilities in the field of instruction for limited English proficient children need to be strengthened so that educators and other staff teaching limited English proficient children in the classroom can better identify and promote programs, program implementation strategies, and instructional practices that result in the effective education of limited English proficient children.

''(b) PURPOSES.—The purposes of this part are—

''(1) to help ensure that children who are limited English proficient attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State content standards and challenging State student performance standards expected of all children; and

''(2) to develop high quality programs designed to assist local educational agencies in teaching limited English proficient children.

**"SEC. 7103. PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.**

''(a) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part of—

''(1) the reasons for the identification of the child as being in need of English language instruction;

''(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

''(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;

''(4) what the specific exit requirements are for the program;

''(5) the expected rate of transition from the program into a classroom that is not tailored for limited English proficient children; and

''(6) the expected rate of graduation from high school for the program if funds under this part are used for children in secondary schools.

''(b) CONSENT.—

''(1) AGENCY REQUIREMENTS.—

''(A) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

''(i) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

''(ii) instruction is tailored for limited English proficient children.

''(B) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

''(C) RESPONSE NOT OBTAINED.—

''(i) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such notice and its specific efforts made to obtain such consent.

''(ii) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

''(iii) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

''(2) PARENTAL RIGHTS.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under subpart 1 or 2 shall—

''(A) select among methods of instruction, if more than one method is offered in the program; and

''(B) have the right to have their child immediately removed from the program upon their request.

''(c) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

''(1) timely information about English language instruction programs for limited English proficient children assisted under this part;

''(2) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents; and

''(3) procedural information for removing a child from a program for limited English proficient children.

''(d) BASIS FOR ADMISSION OR EXCLUSION.—Students shall not be admitted to or excluded from any federally assisted education program on the basis of a surname or language-minority status.

**"SEC. 7104. TESTING OF LIMITED ENGLISH PROFICIENT CHILDREN.**

''(a) IN GENERAL.—Assessments of limited English proficient children participating in programs funded under this part, to the extent practicable, shall be in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas.

''(b) SPECIAL RULE.—Notwithstanding subsection (a), in the case of an assessment of reading or language arts of any student who has attended school in the United States (excluding Puerto Rico) for 3 or more consecutive school years, the assessment shall be in the form of a test written in English, except that, if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional year.

**"SEC. 7105. CONDITIONS ON EFFECTIVENESS OF SUBPARTS 1 AND 2.**

''(a) SUBPART 1.—Subpart 1 shall be in effect only for a fiscal year for which subpart 2 is not in effect.

''(b) SUBPART 2.—

''(1) IN GENERAL.—Subpart 2 shall be in effect only for—

''(A) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds $215,000,000; and

''(B) all succeeding fiscal years.

''(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this part, a State receiving a grant under subpart 2 shall provide 1 additional year of funding to eligible entities in accordance with section 7133(3).

**"SEC. 7106. AUTHORIZATIONS OF APPROPRIATIONS.**

''(a) SUBPART 1 OR 2.—Subject to section 7105, for the purpose of carrying out subpart 1 or 2, as applicable, there are authorized to be appropriated $215,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

''(b) SUBPART 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated $60,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

''(c) SUBPART 4.—For the purpose of carrying out subpart 4, there are authorized to be appropriated $16,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

**"Subpart 1—Discretionary Grant Program**

**"SEC. 7111. FINANCIAL ASSISTANCE FOR PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN.**

''The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under section 7112, to—

''(1) develop and enhance their capacity to provide high-quality instruction through English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children; and

''(2) help such children—

''(A) develop proficiency in English; and

''(B) meet the same challenging State content standards and challenging State student performance standards expected for all children as required by section 1111(b).

**"SEC. 7112. FINANCIAL ASSISTANCE FOR INSTRUCTIONAL SERVICES.**

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—In accordance with section 7105, before the amount appropriated to carry out this part for a fiscal year equals or exceeds $210,000,000, the Secretary is authorized to award grants to eligible entities having applications approved under section 7114 to enable such entities to carry out activities described in subsection (b).

''(2) LENGTH OF GRANT.—Each grant under this section shall be awarded for a period of time to be determined by the Secretary based on the type of grant for which the eligible entity applies.

''(b) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards using scientifically-based research approaches and methodologies, by—

''(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

''(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

''(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

''(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and

academic content instruction for limited English proficient students.

''(c) USES OF FUNDS.—Grants under this section may be used—

''(1) to upgrade—

''(A) educational goals, curriculum guidelines and content, standards, and assessments; and

''(B) professional development activities;

''(2) to improve the instruction program for limited English proficient students by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures; and

''(3) to provide—

''(A) tutorials and academic or vocational education for limited English proficient children;

''(B) intensified instruction; and

''(C) for such other activities, related to the purposes of this subpart, as the Secretary may approve.

''(d) SPECIAL RULE.—A grant recipient, before carrying out a program assisted under this section, shall plan, train personnel, develop curricula, and acquire or develop materials.

''(e) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

''(1) 1 or more local educational agencies; or

''(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or local or State educational agency.

**''SEC. 7113. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.**

''(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this subpart, subject to the following qualifications:

''(1) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

''(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

''(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

''(B) any nonprofit institution or organization that is—

''(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

''(ii) approved by the Secretary for the purpose of this section.

''(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this subpart, each eligible entity described in subsection (a) shall submit any application for assistance under this subpart directly to the Secretary along with timely comments on the need for the proposed program.

**''SEC. 7114. APPLICATIONS.**

''(a) IN GENERAL.—

''(1) SECRETARY.—To receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

''(2) STATE EDUCATIONAL AGENCY.—An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of its application under this section to the State educational agency.

''(b) REQUIRED DOCUMENTATION.—Such application shall include documentation that the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

''(c) CONTENTS.—

''(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

''(A) A description of the need for the proposed program, and a comprehensive description of the characteristics relevant to the children being served.

''(B) An assurance that, if the applicant includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year.

''(C) A description of the program to be implemented and how such program's design—

''(i) relates to the English language and academic needs of the children of limited English proficiency to be served;

''(ii) is coordinated with other programs under this Act and other Acts, as appropriate, in accordance with section 14306;

''(iii) involves the parents of the children of limited English proficiency to be served;

''(iv) ensures accountability in achieving high academic standards; and

''(v) promotes coordination of services for the children of limited English proficiency to be served and their families.

''(D) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

''(E) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for programs for limited English proficient children if the applicant receives an award under this subpart.

''(F) An assurance that the applicant will employ teachers in the proposed program who are proficient in English, including written and oral communication skills, and another language, if appropriate.

''(G) A budget for grant funds.

''(H) A description, if appropriate of how the applicant annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart.

''(2) ADDITIONAL INFORMATION.—Each applicant for a grant under section 7112 who intends to use the grant for a purpose described in paragraph (3) or (4) of subsection (b) of such section—

''(A) shall describe—

''(i) how services provided under this subpart are supplementary to existing services;

''(ii) how funds received under this subpart will be integrated, as appropriate, with all other Federal, State, local, and private resources that may be used to serve children of limited English proficiency;

''(iii) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

''(iv) current family literacy programs if applicable; and

''(B) shall provide assurances that the program funded will be integrated with the overall educational program.

''(d) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

''(1) the program will use qualified personnel, including personnel who are proficient in English and other languages used in instruction, if appropriate.

''(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

''(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited English proficient students, and that limited English proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

''(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such Federal funds, would have been expended for special programs for limited English proficient children and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children; and

''(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this subpart is reduced or no longer available.

''(e) CONSIDERATION.—In approving applications under this subpart, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or businesses.

**''SEC. 7115. INTENSIFIED INSTRUCTION.**

''In carrying out this subpart, each grant recipient may intensify instruction for limited English proficient students by—

''(1) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months;

''(2) applying technology to the course of instruction; and

''(3) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

**"SEC. 7116. CAPACITY BUILDING.**

''Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children, once Federal assistance is reduced or eliminated.

**"SEC. 7117. SUBGRANTS.**

''A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

**"SEC. 7118. SPECIAL CONSIDERATION.**

''The Secretary shall give special consideration to applications under this subpart that describe a program that—

''(1) enrolls a large percentage or large number of limited English proficient students;

''(2) takes into account significant increases in limited English proficient children, including such children in areas with low concentrations of such children; and

''(3) ensures that activities assisted under this subpart address the needs of school systems of all sizes and geographic areas, including rural and urban schools.

**"SEC. 7119. COORDINATION WITH OTHER PROGRAMS.**

''In order to secure the most flexible and efficient use of Federal funds, any State receiving funds under this subpart shall coordinate its program with other programs under this Act and other Acts, as appropriate, in accordance with section 14306.

**"SEC. 7120. NOTIFICATION.**

''The State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days of the date an award under this subpart is made to an eligible entity within the State.

**"SEC. 7121. STATE GRANT PROGRAM.**

''(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's own programs and other Federal education programs, effectively provides for the education of children of limited English proficiency within the State.

''(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—A State educational agency shall use funds awarded under this section for programs authorized by this section—

''(A) to assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation; and

''(B) to collect data on the State's limited English proficient populations and the educational programs and services available to such populations.

''(2) EXCEPTION.—States that do not, as of the date of enactment of the Student Results Act of 1999, have in place a system for collecting the data described in paragraph (1)(B) for all students in such State, are not required to meet the requirement of such paragraph. In the event such State develops a system for collecting data on the educational programs and services available to all students in the State, then such State shall comply with the requirement of paragraph (1)(B).

''(3) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

''(4) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

''(d) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase to the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

''(f) REPORT TO THE SECRETARY.—State educational agencies receiving awards under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of such funds.

**"Subpart 2—Formula Grant Program**

**"SEC. 7131. FORMULA GRANTS TO STATES.**

''(a) IN GENERAL.—In accordance with section 7105, after the amount appropriated to carry out this part for a fiscal year equals or exceeds $215,000,000, in the case of each State that in accordance with section 7133 submits to the Secretary an application for a fiscal year, the Secretary shall offer rescuing funds under subsection (b) make a grant for the year to the State for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State under section 7135.

(b) RESERVATION.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve not less than .5 percent to provide Federal financial assistance under this subpart to entities that are considered to be a local educational agency under section 7108(a).

''(c) PURPOSES OF GRANTS.—

''(1) REQUIRED EXPENDITURES.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 95 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to limited English proficient children in accordance with section 7134.

''(2) AUTHORIZED EXPENDITURES.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 5 percent of the amount of the funds provided under the grant for one or more of the following purposes:

''(A) Professional development and activities that assist personnel in meeting State and local certification requirements for English language instruction.

''(B) Planning, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

''(C) Providing technical assistance and other forms of assistance to local educational agencies that—

''(i) educate limited English proficient children; and

''(ii) are not receiving a subgrant from a State under this subpart.

''(D) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children enrolled in the subgrantee's programs and activities attain English language proficiency and meet challenging State content standards and challenging State student performance standards.

''(3) LIMITATION ON ADMINISTRATIVE COSTS.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend not more than 2 percent of the amount of the funds provided under the grant for the purposes described in paragraph (2)(B).

**"SEC. 7132. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.**

''(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, the following shall be considered to be a local educational agency:

''(1) An Indian tribe.

''(2) A tribally sanctioned educational authority.

''(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

''(4) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

''(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

''(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

''(b) SUBMISSION OF APPLICATIONS FOR ASSISTANCE.—Notwithstanding any other provision of this subpart, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a grant under this subpart on the same basis as any other local educational agency.

**"SEC. 7133. APPLICATIONS BY STATES.**

''For purposes of section 7131, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

''(1) describes the process that the State will use in making subgrants to eligible entities under this subpart;

''(2) contains an agreement that the State annually will submit to the Secretary a summary report, describing the State's use of the funds provided under the grant;

''(3) contains an agreement that the State—

''(A) will provide one year of funding for an application for a subgrant under section 7134 from an eligible entity that describes a program that, on the day preceding the date of the enactment of the Student Results Act of 1999, was receiving funding under a grant—

''(i) awarded by the Secretary under subpart 1 or 3 of part A of the Bilingual Education Act (as such Act was in effect on such day); and

''(ii) that was not under its terms due to expire before a period of 1 year or more had elapsed; and

''(B) after such one-year extension, will give special consideration to such applications if the period of their award would not yet otherwise have expired if the Student Results Act of 1999 had not been enacted.

''(4) contains an agreement that, in carrying out this subpart, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

''(5) contains an agreement that subgrants to eligible entities under section 7134 shall be of sufficient size and scope to allow such entities to carry out high quality education programs for limited English proficient children;

''(6) contains an agreement that the State will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

''(7) contains an agreement that the State—

''(A) shall monitor the progress of students enrolled in programs and activities receiving assistance under this subpart in attaining English proficiency and in attaining challenging State content standards and challenging State performance standards;

''(B) subject to subparagraph (C), shall withdraw funding from such programs and activities in cases where the majority of students are not attaining English proficiency and attaining challenging State content standards and challenging State performance standards after 3 academic years of enrollment based on the evaluation measures in section 7403(d); and

''(C) shall provide technical assistance to eligible entities that fail to satisfy the criterion in subparagraph (B) prior to the withdrawal of funding under such subparagraph;

''(8) contains an assurance that the State will require eligible entities receiving a subgrant under section 7134 annually to assess the English proficiency of all children with limited English proficiency participating in a program funded under this subpart; and

''(9) contains an agreement that States will require eligible entities receiving a grant under this subpart to use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in attaining challenging State content standards and challenging State performance standards once assistance under this subpart is no longer available.

**''SEC. 7134. SUBGRANTS TO ELIGIBLE ENTITIES.**

''(a) PURPOSES OF SUBGRANTS.—A State may make a subgrant to an eligible entity from funds received by the State under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards, using scientifically-based research approaches and methodologies, by—

''(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

''(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

''(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

''(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

''(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—

''(1) IN GENERAL.—Subject to paragraph (2), a State may make a subgrant to an eligible entity from funds received by the State under this subpart in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities to improve the understanding, and use, of the English language, based on a child's learning skills:

''(A) Developing and implementing comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

''(B) Providing professional development to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children.

''(C) Improving the English language proficiency and academic performance of limited English proficient children.

''(D) Improving the instruction of limited English proficient children by providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, providing training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

''(E) Developing tutoring programs for limited English proficient children that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among limited English proficient children, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for limited English proficient children.

''(F) Providing family literacy services and parent outreach and training activities to limited English proficient children and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

''(G) Other activities that are consistent with the purposes of this subpart.

''(2) MOVING CHILDREN OUT OF SPECIALIZED CLASSROOMS.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this subpart shall be designed to assist students enrolled in the program or activity to attain English proficiency and meet challenging State content standards and challenging State performance standards as soon as possible and to move into a classroom where instruction is not tailored for limited English proficient children.

''(c) SELECTION OF METHOD OF INSTRUCTION.—To receive a subgrant from a State under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State content standards and challenging State student performance standards. Such selection shall be consistent with sections 7406 and 7407.

''(d) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State under this section shall be determined by the State in its discretion.

''(e) APPLICATIONS BY ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—To receive a subgrant from a State under this subpart, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

''(2) REQUIRED DOCUMENTATION.—The application shall describe the programs and activities proposed to be developed, implemented, and administered under the subgrant and shall provide an assurance that the applicant will only employ teachers and other personnel for the proposed programs and activities who are proficient in English, including written and oral communication skills.

''(3) REQUIREMENTS FOR APPROVAL.—A State may approve an application submitted by an eligible entity for a subgrant under this subpart only if the State determines that—

''(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English to children who are limited English proficient;

''(B) if the eligible entity includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year;

''(C) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart;

''(D) the eligible entity has based its proposal on sound research and theory;

''(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be fluent in English after 3 academic years of enrollment;

''(F) the eligible entity will ensure that programs will enable children to speak, read, write, and comprehend the English language and meet challenging State content and challenging State performance standards; and

''(G) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children.

''(4) QUALITY.—In determining which applications to select for approval, a State shall consider the quality of each application and ensure that it is of sufficient size and scope to meet the purposes of this subpart.

**''SEC. 7135. DETERMINATION OF AMOUNT OF ALLOTMENT.**

''(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), from the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sum as the total number of children who are limited English proficient and who reside in the State bears to the total number of such children residing in all States (excluding the Commonwealth of Puerto Rico and the outlying areas) that, in accordance with section 7133, submit to the Secretary an application for the year.

''(b) PUERTO RICO.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 1.5 percent of the sums appropriated under section 7106(a).

''(c) OUTLYING AREAS.—

''(1) TOTAL AVAILABLE FOR ALLOTMENT.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot

to the outlying areas, in accordance with paragraph (2), a total amount equal to .5 percent of the sums appropriated under section 7120.

''(2) DETERMINATION OF INDIVIDUAL AREA AMOUNTS.—From the total amount determined under paragraph (1), the Secretary shall allot to each outlying area an amount which bears the same ratio to such amount as the total number of children who are limited English proficient and who reside in the outlying area bears to the total number of such children residing in all outlying areas, that, in accordance with section 7133, submit to the Secretary an application for the year.

''(d) MINIMUM ALLOTMENT.—

''(1) IN GENERAL.—Notwithstanding subsections (a) through (c), and subject to section 7105, the Secretary shall not allot to any State, for fiscal years 2000 through 2004, an amount that is less than 100 percent of the baseline amount for the State.

''(2) BASELINE AMOUNT DEFINED.—For purposes of this subsection, the term 'baseline amount', when used with respect to a State, means the total amount received under this part for fiscal year 2000 by the State, the State educational agency, and all local educational agencies of the State.

''(3) RATABLE REDUCTION.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

''(e) USE OF STATE DATA FOR DETERMINATIONS.—For purposes of subsections (a) and (c), any determination of the number of children who are limited English proficient and reside in a State shall be made using the most recent limited English proficient school enrollment data available to, and reported to the Secretary by, the State. The State shall provide assurances to the Secretary that such data are valid and reliable.

''(f) NO REDUCTION PERMITTED BASED ON TEACHING METHOD.—The Secretary may not reduce a State's allotment based on the State's selection of the immersion method of instruction as its preferred method of teaching the English language to children who are limited English proficient.

**''SEC. 7136. DISTRIBUTION OF GRANTS TO ELIGIBLE ENTITIES.**

''Of the amount expended by a State for subgrants to eligible entities—

''(1) at least one-half shall be allocated to eligible entities that enroll a large percentage or a large number of children who are limited English proficient, as determined based on the relative enrollments of such children enrolled in the eligible entities; and

''(2) the remainder shall be allocated on a competitive basis to—

''(A) eligible entities within the State to address a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children who are limited English proficient in a school or local educational agency, including schools and agencies in areas with low concentrations of such children; and

''(B) other eligible entities serving limited English proficient children.

**''SEC. 7137. SPECIAL RULE ON PRIVATE SCHOOL PARTICIPATION.**

For purposes of this Act, this subpart shall be treated as a covered program, as defined in section 14101(10).

**''Subpart 3—Professional Development**

**''SEC. 7141. PURPOSE.**

''The purpose of this subpart is to assist in preparing educators to improve educational services for limited English proficient children by supporting professional development programs primarily aimed at improving and developing the skills of instructional staff in elementary and secondary schools and on assisting limited English proficient children to attain English proficiency and meet challenging State academic content standards and challenging State performance standards.

**''SEC. 7142. PROFESSIONAL DEVELOPMENT AND FELLOWSHIPS.**

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, as appropriate, to local educational agencies, institutions of higher education, State educational agencies, public and private organizations in consortium with a local educational agency, or a consortium of such agencies or institutions, except that any such consortium shall include a local educational agency.

''(2) GRANT PURPOSE.—Grants awarded under this section shall be used for one or more of the following purposes:

''(A) To develop and provide ongoing in-service professional development, including professional development necessary to receive certification as a teacher of limited English proficient children, for teachers of limited English proficient children, school administrators and, if appropriate, pupil services personnel, and other educational personnel who are involved in, or preparing to be involved in, the provision of educational services to limited English proficient children.

''(B) To provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies, and resources specific to limited English proficient students into in-service professional development programs for teachers, administrators and, if appropriate, pupil services personnel, and other educational personnel in order to prepare such individuals to provide effective services to limited English proficient students.

''(C) To upgrade the qualifications and skills of teachers to ensure that they are fully qualified (as defined by section 1610) and meet high professional standards, including certification and licensure as a teacher of limited English proficient students.

''(D) To upgrade the qualifications and skills of paraprofessionals to ensure they meet the requirements under section 1119 and meet high professional standards to assist, as appropriate, teachers who instruct limited English proficient students.

''(E) To train secondary school students as teachers of limited English proficient children and to train, as appropriate, other education personnel to serve limited English proficient students.

''(F) To award fellowships for—

''(i) study in such areas as teacher training, program administration, research and evaluation, and curriculum development, at the master's, doctoral, or post-doctoral degree level, related to instruction of children and youth of limited English proficiency; and

''(ii) the support of dissertation research related to such study.

''(G) To recruit elementary and secondary school teachers of limited English proficient children.

''(b) DURATION AND LIMITATION.—

''(1) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

''(2) LIMITATION.—Not more than 15 percent of the amount of the grant may be expended for the purposes described in subparagraphs (F) and (G) of subsection (a)(2).

''(c) PROFESSIONAL DEVELOPMENT REQUIREMENTS.—

''(1) ACTIVITIES.—A recipient of a grant under this section may use the grant funds for the following professional development activities:

''(A) Designing and implementing of induction programs for new teachers, including mentoring and coaching by trained teachers, team teaching with experienced teachers, compensation for, and availability of, time for observation of, and consultation with, experienced teachers, and compensation for, and availability of, additional time for course preparation.

''(B) Implementing collaborative efforts among teachers to improve instruction in reading and other core academic areas for students with limited English proficiency, including programs that facilitate teacher observation and analysis of fellow teachers' classroom practice.

''(C) Supporting long-term collaboration among teachers and outside experts to improve instruction of limited English proficient students.

''(D) Coordinating project activities with other programs, such as those under the Head Start Act, and titles I and II of this Act, and titles II and V of the Higher Education Act of 1965.

''(E) Developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served.

''(F) Instructing teachers and, where appropriate, other personnel working with limited English children on how—

''(i) to utilize test results to improve instruction for limited English proficient children so the children can meet the same challenging State content standards and challenging State performance standards as other students; and

''(ii) to help parents understand the results of such assessments.

''(G) Contracting with institutions of higher education to allow them to provide in-service training to teachers, and, where appropriate, other personnel working with limited English proficient children to improve the quality of professional development programs for limited English proficient students.

''(H) Such other activities as are consistent with the purpose of this section.

''(2) ADDITIONAL REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT FUNDS.—Uses of funds received under this section for professional development—

''(A) shall advance teacher understanding of effective instructional strategies based on scientifically based research for improving student achievement;

''(B) shall be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers' performance in the classroom;

''(C) shall be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under subparts 1 and 2 of part A; and

''(D) as a whole, shall be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development.

''(d) FELLOWSHIP REQUIREMENTS.—

''(1) IN GENERAL.—Any person receiving a fellowship under subsection (a)(2)(F) shall agree—

''(A) to work as a teacher of limited English proficient children, or in a program or an activity funded under this part, for a period of time equivalent to the period of time during which the person receives such fellowship; or

''(B) to repay the amount received pursuant to the fellowship award.

''(2) REGULATIONS.—The Secretary shall establish in regulations such terms and conditions for agreements under paragraph (1) as the Secretary deems reasonable and necessary and may waive the requirement of such paragraph in extraordinary circumstances.

''(3) PRIORITY.—In awarding fellowships under this section, the Secretary shall give priority to fellowship applicants applying for study or dissertation research at institutions of higher education that have demonstrated a high level of success in placing fellowship recipients into employment in elementary and secondary schools.

''(4) INFORMATION.—The Secretary shall include information on the operation and the number of fellowships awarded under this section in the evaluation required under section 7145.

**''SEC. 7143. APPLICATION.**

''(a) IN GENERAL.—

''(1) SUBMISSION TO SECRETARY.—In order to receive a grant under section 7142, an agency, institution, organization, or consortium described in subsection (a)(1) of such section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

''(2) CONTENTS.—Each such application shall include—

''(A) a description of the proposed professional development or graduate fellowship programs to be implemented with the grant;

''(B) a description of the scientific research on which the program or programs are based; and

''(C) an assurance that funds will be used to supplement and not supplant other professional development activities that affect the teaching and learning in elementary and secondary schools, as appropriate.

''(b) APPROVAL.—The Secretary shall only approve an application under this section if it meets the requirements of this section and is of sufficient quality to meet the purposes of this subpart.

''(c) SPECIAL RULES.—

''(1) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under titles III and V of the Higher Education Act of 1965 and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate the participation of such institutions under this subpart.

''(2) DISTRIBUTION.—In making awards under this subpart, the Secretary shall ensure adequate representation of Hispanic-serving institutions (as defined in section 502 of the Higher Education Act of 1965) that demonstrate competence and experience in the programs and activities authorized under this subpart and are otherwise qualified.

**''SEC. 7144. PROGRAM EVALUATIONS.**

''Each recipient of funds under this subpart shall provide the Secretary with an evaluation of the program assisted under this subpart every 2 years. Such evaluation shall include data on—

''(1) post-program placement of persons trained in a program assisted under this subpart;

''(2) how such training relates to the employment of persons served by the program;

''(3) program completion; and

''(4) such other information as the Secretary may require.

**''SEC. 7145. USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.**

Not more than 10 percent of the funds received under this subpart may be used to develop any program participant's competence in a second language for use in instructional programs.

**''Subpart 4—Research, Evaluation, and Dissemination**

**''SEC. 7151. AUTHORITY.**

''The Secretary shall conduct and coordinate, through the Office of Educational Research and Improvement and in coordination with the Office of Educational Services for Limited English Proficient Children, research for the purpose of improving English language and academic content instruction for children who are limited English proficient. Activities under this section shall be limited to research to identify successful models for teaching limited English proficient children English, research to identify successful models for assisting such children to meet challenging State content and student performance standards, and distribution of research results to States for dissemination to schools with populations of students who are limited English proficient. Research conducted under this section may not focus solely on any one method of instruction.

**''PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM**

**''SEC. 7201. FINDINGS AND PURPOSE.**

''(a) FINDINGS.—The Congress finds that—

''(1) the education of our Nation's children and youth is one of the most sacred government responsibilities;

''(2) local educational agencies have struggled to fund adequately education services; and

''(3) immigration policy is solely a responsibility of the Federal Government.

''(b) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

''(1) provide high-quality instruction to immigrant children and youth; and

''(2) help such children and youth—

''(A) with their transition into American society; and

''(B) meet the same challenging State performance standards expected of all children and youth.

**''SEC. 7202. STATE ADMINISTRATIVE COSTS.**

''For any fiscal year, a State educational agency may reserve not more than 1.5 percent of the amount allocated to such agency under section 7204 to pay the costs of performing such agency's administrative functions under this part.

**''SEC. 7203. WITHHOLDING.**

''Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

**''SEC. 7204. STATE ALLOCATIONS.**

''(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2000 through 2004 for the purpose set forth in section 7201(b).

''(b) ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in nonpublic elementary or secondary schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of such agencies, and in nonpublic elementary or secondary schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

''(A) at least 500; or

''(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year,

whichever number is less.

''(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

''(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

''(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

''(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

''(e) RESERVATION OF FUNDS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

''(A) At least one-half of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

''(B) Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

''(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 7207.

''(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

**''SEC. 7205. STATE APPLICATIONS.**

''(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

''(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

''(2) provide assurances that payments under this part will be used for purposes set forth in sections 7201(b) and 7207, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes and will coordinate with other programs assisted under this Act and other Acts as appropriate;

''(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under part A or title I;

''(4) provide assurances that such payments, with the exception of payments reserved under section 7204(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 7204(b)(1);

''(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

''(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

''(7) provide assurances—

''(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

''(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

''(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

''(8) provide that funds reserved under section 7204(e) be awarded on a competitive basis based on merit and need in accordance with such subsection; and

''(9) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

''(b) APPLICATION REVIEW.—

''(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

''(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

''(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State.

**''SEC. 7206. ADMINISTRATIVE PROVISIONS.**

''(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 7205 of the amount of such agency's allocation under section 7204 for the succeeding year.

''(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 7205(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this part, to such children. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

**''SEC. 7207. USES OF FUNDS.**

''(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

''(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

''(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

''(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

''(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

''(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

''(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

''(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

''(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

''(d) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

**''SEC. 7208. REPORTS.**

''(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every two years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

''(b) REPORT TO CONGRESS.—The Secretary shall submit, once every two years, a report to the appropriate committees of the Congress concerning programs assisted under this part in accordance with section 14701.

**''SEC. 7209. AUTHORIZATION OF APPROPRIATIONS.**

''For the purpose of carrying out this part, there are authorized to be appropriated $175,000,000 for fiscal year 2000 and such sums as may be necessary for each of the four succeeding fiscal years.

## ''PART C—ADMINISTRATION

**''SEC. 7301. REPORTING REQUIREMENTS.**

''(a) STATES.—Based upon the evaluations provided to a State under section 7403, each State receiving a grant under this title annually shall report to the Secretary on programs and activities undertaken by the State under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

''(b) SECRETARY.—Every other year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on programs and activities undertaken by States under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

**''SEC. 7302. COORDINATION WITH RELATED PROGRAMS.**

''In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies.

**"PART D—GENERAL PROVISIONS**

**"SEC. 7401. DEFINITIONS.**

**"SEC. 7402. CONSTRUCTION.**

''Nothing in subpart 1 or 2 shall be construed to prohibit a local educational agency from serving limited English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

**"SEC. 7403. EVALUATION.**

''(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State or a grant from the Secretary under part A shall provide the State or the Secretary, at the conclusion of every second fiscal year during which the subgrant or grant is received, with an evaluation, in a form prescribed by the State or the Secretary, of—

''(1) the programs and activities conducted by the entity with funds received under part A during the 2 immediately preceding fiscal years;

''(2) the progress made by students in learning the English language and meeting challenging State content standards and challenging State student performance standards;

''(3) the number and percentage of students in the programs and activities attaining English language proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

''(4) the progress made by students in meeting challenging State content and challenging State performance standards for each of the 2 years after such students are no longer receiving services under this part.

''(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State or the Secretary—

''(1) for improvement of programs and activities;

''(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State content standards and challenging State student performance standards; and

''(3) in determining whether or not to continue funding for specific programs or projects.

''(c) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under subsection (a) shall include—

''(1) an evaluation of whether students enrolling in a program or activity conducted by the entity with funds received under part A—

''(A) have attained English proficiency and are meeting challenging State content standards and challenging State student performance standards; and

''(B) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, in a classroom that is not tailored to limited English proficient children; and

''(2) such other information as the State or the Secretary may require.

''(d) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under subsection (a), a State or the Secretary shall approve evaluation measures, as applicable, for use under subsection (c) that are designed to assess—

''(1) oral language proficiency in kindergarten;

''(2) oral language proficiency, including speaking and listening skills, in first grade;

''(3) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades two and higher; and

''(4) attainment of challenging State performance standards.

**"SEC. 7404. CONSTRUCTION.**

''Nothing in part A shall be construed as requiring a State or a local educational agency to establish, continue, or eliminate a program of native language instruction.

**"SEC. 7405. LIMITATION ON FEDERAL REGULATIONS.**

''The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this title.

**"SEC. 7406. LEGAL AUTHORITY UNDER STATE LAW.**

''Nothing in this title shall be construed to negate or supersede the legal authority, under State law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the State agency, entity, or official.

**"SEC. 7407. CIVIL RIGHTS.**

''Nothing in this title shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

**"SEC. 7408. RULE OF CONSTRUCTION.**

''Nothing in part A shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages.

**"SEC. 7409. REPORT.**

''The Secretary shall prepare, and submit to the Secretary and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on—

''(1) the activities carried out under this title and the effectiveness of such activities in increasing the English proficiency of limited English proficient children and helping them to meet challenging State content standards and challenging State performance standards;

''(2) the types of instructional programs used under subpart 1 to teach limited English proficient children;

''(3) the number of programs, if any, which were terminated from the program because they were not able to reach program goals; and

''(4) other information gathered as part of the evaluation conducted under section 7403.

**"SEC. 7410. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.**

''Programs authorized under subparts 1 and 2 of this part that serve Native American children, Native Pacific Island children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this title may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that a primary outcome of programs serving such children shall be increased English proficiency among such children.''.

**SEC. 902. CONFORMING AMENDMENT TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.**

(a) IN GENERAL.—The Department of Education Organization Act is amended by striking ''Office of Bilingual Education and Minority Languages Affairs'' each place such term appears in the text and inserting ''Office of Educational Services for Limited English Proficient Children''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

''OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN''.

(2) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

**"SEC. 216. OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN.".**

(3) TABLE OF CONTENTS.—

(A) SECTION 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

''Sec. 209. Office of Educational Services for Limited English Proficient Children.''.

(B) SECTION 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Office of Educational Services for Limited English Proficient Children.''.

H.R. 2

OFFERED BY: MR. ACKERMAN

AMENDMENT NO. 6: After section 1113(f)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 107 of the bill, insert the following (and redesignate any subsequent paragraphs accordingly):

''(3) COUNTIES.—If sufficient funds are available, any local educational agency which contains 2 or more counties in their entirety shall provide to each eligible public school attendance area or eligible public school an amount of funds, per pupil from a low-income family, under this part for any fiscal year which is not less than 90 percent of the amount provided for the preceding fiscal year.

In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the third and fourth sentences.

H.R. 2

OFFERED BY: MR. ACKERMAN

AMENDMENT NO. 7: In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the following: ''If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.''.

H.R. 2

OFFERED BY: MR. ACKERMAN

AMENDMENT NO. 8: At the end of the bill, add the following:

**TITLE IX—PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN**

**SEC. 901. TREATMENT OF AMERICAN SIGN LANGUAGE FOR PURPOSES OF PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN.**

Section 7501(8)(A) (20 U.S.C. 7601(8)(A)) is amended—

(1) in clauses (i) and (ii), by striking ''or'' at the end;

(2) in clause (iii), by striking ''and'' at the end and inserting ''or''; and

(3) by adding at the end the following:

''(iv) is a person whose native language is American Sign Language; and''.

H.R. 2

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 9: At the end of section 1114 of the the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill, add the following:

''(e) PREKINDERGARTEN PROGRAM.—

''(1) IN GENERAL.—A school that is eligible for a schoolwide program under this section may use funds made available under this title to establish or enhance prekindergarten programs in accordance with paragraph (2).

''(2) CONTENTS.—Before a school uses funds made available under this title to establish or enhance prekindergarted programs it shall consider the following:

''(A) The need to establish or expand a prekindergarten program.

''(B) Hiring individuals to work with children in the prekindergarten program who are teachers or child development specialists certified by the State.

''(C) The ratio of teacher or child development specialist to children not exceeding 10–1.

''(D) Developing a sliding fee schedule to ensure that the parents of a child who attends a prekindergarten program established under this section share in the cost of providing the prekindergarten program, with the amount of such contribution not to exceed $50 each week that a child attends such program.

''(E) That none of the funds received under this title may be used for the construction or renovation of existing or new facilities (except for minor remodeling needed to accomplish the purposes of this subsection).

''(F) Using a collaborative process with organizations and members of the community that have an interest and experience in early childhood development and education to establish prekindergarten programs.

''(G) Coordinating with and expanding, but not duplicating or supplanting, early childhood programs that exist in the community.

''(H) Providing scientifically based research on early childhood education services that focus on language, literacy, and reading development.

''(I) How the program will meet the diverse needs of children aged 0–5 in the community, including children who have special needs.

''(J) Employing methods that ensure a smooth transition for participating students from early childhood education to kindergarten and early elementary education.

''(K) The results the programs are intended to achieve, and what tools to use to measure the progress in attaining those results.

''(L) Providing, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the funds used under this title for the prekindergarten programs, with such contributions including in kind contributions and parental co-payments.

''(M) Developing a plan to operate the program without using funds made available under this title.

H.R. 2

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 10: In section 1119A(b)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 116 of the bill, insert after subparagraph (E) the following (and redesignate any subsequent subparagraphs accordingly):

''(F) include the training of principals and vice principals;''.

H.R. 2

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 11: Add at the end of section 1604 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, the following:

''(d) PURCHASING REQUIREMENTS.—None of the funds made available under this title shall be used to purchase needles that are not infusion safety devices, commonly known as safe needles.''.

H.R. 2

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 12: Add at the end of the bill the following new title:

## TITLE IX—PREKINDERGARTEN PROGRAM

**SEC. 901. SENSE OF CONGRESS.**

Title XIV of the Act is amended by adding at the end the following:

**''SEC. 14802. SENSE OF CONGRESS REGARDING EARLY CHILDHOOD DEVELOPMENT SERVICES.**

''It is the sense of Congress that the amount of funds authorized for the Head Start Act should be appropriated to provide vital early childhood development services to children who might not otherwise receive such services.''.

**SEC. 902. PREKINDERGARTEN PROGRAM.**

Add at the end of the Act the following:

## ''TITLE XVII—PREKINDERGARTEN PROGRAM

**''SEC. 1701. FINDINGS.**

''Congress finds the following:

''(1) Countless studies have shown what every parent already knows: High-quality preschool education programs work. They prepare children to learn when they go to school, and the programs increase the success of students throughout their lives.

''(2) Children who get a high-quality prekindergarten education are more likely to increase their overall IQ, improve their results on achievement tests, and increase their changes of graduating from high school and pursuing some form of higher education. These same children are less likely to repeat a grade level and have less need for special education instruction than those with no preschool background, thus saving local educational agencies funds that might otherwise be necessary to provide special education instruction.

''(3) Prekindergarten education makes an enormous difference in the lives of children from lower-income families. The following specific results were found for children eligible for Head Start services or child care assistance, children who belong to a single parent, 2-child families earning less than $22,000 per year, or families of 4 earning less than $31,000 per year—

''(A) 29 percent of the children who attended prekindergarten program were employed in jobs paying over $2,000 by age 27, as opposed to 7 percent of those from the same income group who did not receive prekindergarten education.

''(B) Only 57 percent of the children who attended a prekindergarten program grew up to become single mothers, as opposed to 83 percent of the same income group who did not attend a prekindergarten program.

''(C) 36 percent of the children who attended a prekindergarten program grew up to own their own homes, as opposed to only 13 percent of the same income group who did not attend such a program.

''(D) Less than 13 percent of the boys in the group who attended a prekindergarten program grew up to be arrested 5 or more times, as opposed to 49 percent of the boys from the same income group who did not attend a prekindergarten program.

**''SEC. 1702. PROGRAM AUTHORIZED.**

''(a) IN GENERAL.—The Secretary is authorized to provide grants to local educational agencies with an approved application under section 1703 to allow such agencies to establish or expand prekindergarten early learning programs in to be operated by the local education agency.

''(b) PRIORITY.—The Secretary shall give priority for grants under this title to local educational agencies with the highest population of children, ages 3 to 5, not enrolled in a prekindergarten program.

**''SEC. 1703. APPLICATIONS.**

''(a) IN GENERAL.—A local education agency that desires to receive a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(b) CONTENT.—An application referred to in subsection (a), at a minimum, shall—

''(1) demonstrate a need for the establishment or expansion of a prekindergarten program;

''(2) provide an assurance that each individual hired to work with children in the prekindergarten program is a teacher or child development specialist certified by the State;

''(3) provide an assurance that the ratio of teacher or child development specialist to children shall not exceed 10–1;

''(4) provide an assurance that the local educational agency will provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant award, these contributions shall include in kind contributions and parental co-payments;

''(5) provide an assurance that the local educational agency will develop a sliding fee schedule to ensure that the parents of a child who attends a prekindergarten program established under this title share in the cost of providing the prekindergarten program, but the amount of such contributions shall not exceed $50 each week that a child attends such program;

''(6) provide a description of how funds will be used to coordinate with and build on, but not duplicate or supplant, early childhood programs that exist in the community; and

''(7) provide an assurance that none of the funds received under this title may be used for the construction or renovation of existing or new facilities (except for minor remodeling needed to accomplish the purposes of this title).

**''SEC. 1704. USES OF FUNDS.**

''(a) IN GENERAL.—A local educational agency that receives a grant award under this title may use funds received to establish or expand prekindergarten programs for three- and four-year-old children.

''(b) PREKINDERGARTEN PROGRAMS.—Each prekindergarten program that is established pursuant to this title shall—

''(1) focus on the developmental needs of participating children, including their social, cognitive, and language-development needs, and use research-based approaches that build on competencies that lead to school success, particularly in language and literacy development and in reading; and

''(2) ensure that participating children, at a minimum—

''(A) understand and use language to communicate for various purposes;

''(B) understand and use increasingly complex and varied vocabulary;

''(C) develop and demonstrate an appreciation of books;

''(D) develop phonemic, print, and numerary awareness; and

''(E) in the case of children with limited English proficiency, progress toward acquisition of the English language.

**''SEC. 1705. REPORTING.**

''(a) LOCAL REPORTS.—Each local educational agency that receives a grant award

under this title shall submit to the Secretary annually a report that reviews the effectiveness of the prekindergarten program established with funds provided under this title.

''(b) REPORT TO CONGRESS.—The Secretary shall submit to Congress annually a report that evaluates the prekindergarten programs established under this title.

**''SEC. 1706. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this title $210,000,000 for fiscal year 2000, $210,000,000 for fiscal year 2001, $1,000,000,000 for fiscal year 2002, $1,500,000,000 for fiscal year 2003, and $2,100,000,000 for fiscal year 2004.''.

H.R. 2

OFFERED BY: MR. ARMEY

AMENDMENT NO. 13: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

**SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

**''SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

''(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

''(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

''(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

''(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

''(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

''(2) The State educational agency shall determine which schools in the State are unsafe public schools.

''(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

(A) expulsions and suspensions of students from school;

(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

(D) enrolled students who are under court supervision for past criminal behavior;

(E) possession, use, sale or distribution of illegal drugs;

(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

(G) possession or use of guns or other weapons;

(H) participation in youth gangs; or

(I) crimes against property, such as theft or vandalism.

''(c) TRANSPORTATION COSTS.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds hereafter provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

''(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

''(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

''(g) CONSTRUCTION.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private elementary school or secondary school that a child of the parent will attend within the State.

''(h) CONSIDERATION OF ASSISTANCE.—Assistance used under this section to pay the costs for a student to attend a private school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private school as a result of assistance received under this section.

''(i) CONTINUING ELIGIBILITY.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for 5 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

''(j) STATE LAW.—All actions undertaken under this section shall be undertaken in accordance with State law and may be undertaken only to the extent such actions are permitted under State law.

''(k) TUITION CHARGES.—Assistance under this section may not be used to pay tuition or required fees at a private elementary school or secondary school in an amount that is greater than the tuition and required fees paid by students not assisted under this section at such school.

''(l) SECTARIAN INSTITUTIONS.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution that prohibits the expenditure of public funds in or by sectarian institutions.

After part G of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 171 of the bill, insert the following:

**PART F—ACADEMIC EMERGENCIES**

**SEC. 181. ACADEMIC EMERGENCIES.**

(a) ACADEMIC EMERGENCIES.—Title I of the Act is amended by adding at the end the following:

**''PART H—ACADEMIC EMERGENCIES**

**''SEC. 1801. SHORT TITLE.**

''This part may be cited as the ''Academic Emergency Act''.

**''SEC. 1802. PROGRAM AUTHORIZED.**

''(a) IN GENERAL.—The Secretary is authorized to provide funds to States that have 1 or more schools designated under section 1803 as academic emergency schools to provide parents whose children attend such schools with education alternatives.

''(b) GRANTS TO STATES.—Grants awarded to a State under this part shall be awarded for a period of not more than 5 years.

**''SEC. 1803. ACADEMIC EMERGENCY DESIGNATION.**

''(a) DESIGNATION.—The Governor of each State may designate 1 or more schools in the State that meet the eligibility requirements set forth in subsection (b) or are identified for school improvement under section 1116(b) as academic emergency schools.

''(b) ELIGIBILITY.—To be designated as an academic emergency school, the school shall be a public elementary school—

''(1) with a consistent record of poor performance by failing to meet minimum academic standards as determined by the State; and

''(2) in which more than 50 percent of the children attending are eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

''(c) LIST TO SECRETARY.—To receive a grant under this part, the Governor shall submit a list of academic emergency schools to the State educational agency and the Secretary.

**''SEC. 1804. APPLICATION AND STATE SELECTION.**

''(a) APPLICATION.—Each State in which the Governor has designated 1 or more schools as academic emergency schools shall submit an application to the Secretary that includes the following:

''(1) ASSURANCES.—Assurances that the State shall—

''(A) use the funds provided under this part to supplement, not supplant, State and local funds that would otherwise be available for the purposes of this part;

''(B) provide written notification to the parents of every student eligible to receive academic emergency relief funds under this part, informing the parents of the voluntary nature of the program established under this part, and the availability of qualified schools within their geographic area;

''(C) provide parents and the education community with easily accessible information regarding available education alternatives; and

''(D) not reserve more than 4 percent of the amount made available under this part to pay administrative expenses.

''(2) INFORMATION.—Information regarding each academic emergency school, for the school year in which the application is submitted, regarding the number of children attending such school, including the number of children who are eligible for free or reduced-price lunch under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the level of student performance.

''(b) STATE AWARDS.—

''(1) STATE SELECTION.—From the amount appropriated pursuant to the authority of section 1814 in any fiscal year, the Secretary shall award grants to States in accordance with this section.

''(2) PRIORITY.—To the extent practicable, the Secretary shall ensure that each State that completes an application in accordance with subsection (a) shall receive a grant of sufficient size to provide education alternatives to not less than 1 academic emergency school.

''(3) AWARD CRITERIA.—In determining the amount of a grant award to a State under this part, the Secretary shall take into consideration the number of schools designated as academic emergencies in the State and

the number of eligible students in such schools.

''(4) STATE PLAN.—Each State that applies for funds under this part shall establish a plan—

''(A) to ensure that the greatest number of eligible students who attend academic emergency schools have an opportunity to receive an academic emergency relief funds; and

''(B) to develop a simple procedure to allow parents of participating eligible students to redeem academic emergency relief funds.

**''SEC. 1805. SELECTION OF ACADEMIC EMERGENCY SCHOOLS AND AWARDS TO PARENTS.**

''(a) SELECTION.—The State shall select academic emergency schools based on —

''(1) the number of eligible students attending an academic emergency school;

''(2) the availability of qualified schools near the academic emergency school; and

''(3) the academic performance of students in the academic emergency school.

''(b) INSUFFICIENT FUNDS.—If the amount of funds made available to a State under this part is insufficient to provide every eligible student in a selected academic emergency school with academic emergency relief funds, the State shall devise a random selection process to provide eligible students in such school whose family income does not exceed 185 percent of the poverty line the opportunity to participate in education alternatives established pursuant to this part.

''(c) PAYMENTS.—

''(1) IN GENERAL.—From the funds made available to a State under this part and not reserved under section 1804(a)(1)(D), a State shall pay not more than $3,500 in academic emergency relief funds to the parents of each participating eligible student.

''(2) PERIOD OF AWARDS.—The academic emergency relief funds awarded to parents of participating eligible students shall be awarded for each school year during the grant period which shall terminate—

''(A) when a participating eligible student is no longer a student in the State; or

''(B) at the end of 5 years,

whichever occurs first.

''(3) DURATION.—A State shall continue to receive funds under this part for distribution to parents of participating eligible students throughout the 5-year grant period.

**''SEC. 1806. QUALIFIED SCHOOLS.**

''(a) QUALIFICATIONS.—A State that submits an application to the Secretary under section 1804 shall publish the qualifications necessary for a school to participate as a qualified school under this part. At a minimum, each such school shall—

''(1) provide assurances to the State that it will comply with section 1810;

''(2) certify to the State that the amount charged to a parent using academic relief funds for tuition and fees does not exceed the amount for such tuition and fees charged to a parent not using such relief funds whose child attends the qualified school (excluding scholarship students attending such school); and

''(3) report to the State, not later than July 30 of each year in a manner prescribed by the State, information regarding student performance.

''(b) CONFIDENTIALITY.—No personal identifiers may be used in such report described in subsection (a)(3), except that the State may request such personal identifiers solely for the purpose of verifying student performance.

**''SEC. 1807. ACADEMIC EMERGENCY RELIEF FUNDS.**

''(a) USE OF ACADEMIC EMERGENCY RELIEF FUNDS.—A parent who receives academic emergency relief funds from a State under this part may use such funds to pay the costs of tuition and mandatory fees for a program of instruction at a qualified school.

''(b) NOT SCHOOL AID.—Academic emergency relief funds under this part shall be considered assistance to the student and shall not be considered assistance to a qualified school.

**''SEC. 1808. EVALUATION.**

''(a) ANNUAL EVALUATION.—

''(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, subject to amounts specified in Appropriation Acts, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the education alternative program established under this part.

''(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate the education alternative program established under this part in accordance with the evaluation criteria described in subsection (b).

''(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

''(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the education alternative program established under this part. Such criteria shall provide for—

''(1) a description of the effects of the programs on the level of student participation and parental satisfaction with the education alternatives provided pursuant to this part compared to the educational achievement of students who choose to remain at academic emergency schools selected for participation under this part; and

''(2) a description of the effects of the programs on the educational performance of eligible students who receive academic emergency relief funds compared to the educational performance of students who choose to remain at academic emergency schools selected for participation under this part.

**''SEC. 1809. REPORTS BY COMPTROLLER GENERAL.**

''(a) INTERIM REPORTS.—Three years after the date of enactment of the Student Results Act of 1999, the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1808(a)(2) for the education alternative program established under this part. The report shall contain a copy of the annual evaluation under section 1808(a)(2) of education alternative program established under this part.

''(b) FINAL REPORT.—The Comptroller General shall submit a final report to Congress, not later than 7 years after the date of the enactment of the Student Results Act of 1999, that summarizes the findings of the annual evaluations under section 1808(a)(2).

**''SEC. 1810. CIVIL RIGHTS.**

''(a) IN GENERAL.—A qualified school under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

''(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

''(1) APPLICABILITY.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a qualified school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the qualified school.

''(2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a qualified school from offering, a single-sex school, class, or activity.

**''SEC. 1811. RULES OF CONSTRUCTION.**

''(a) IN GENERAL.—Nothing in this part shall be construed to prevent a qualified school that is operated by, supervised by, controlled by, or connected to a religious organization from employing, admitting, or giving preference to persons of the same religion to the extent determined by such school to promote the religious purpose for which the qualified school is established or maintained.

''(b) SECTARIAN PURPOSES.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a qualified school to remove religious art, icons, scripture, or other symbols.

**''SEC. 1812. CHILDREN WITH DISABILITIES.**

''Nothing in this part shall affect the rights of students, or the obligations of public schools of a State, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

**''SEC. 1813. DEFINITIONS.**

''As used in this part:

''(1) The terms ''local educational agency'' and ''State educational agency'' have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(2) The term ''eligible student'' means a student enrolled, in a grade between kindergarten and 4th, in an academic emergency school during the school year in which the Governor designates the school as an academic emergency school, except that the parents of a child enrolled in kindergarten at the time of the Governor's designation shall not be eligible to receive academic emergency relief funds until the child is in first grade.

''(3) The term ''Governor'' means the chief executive officer of the State.

''(4) The term ''parent'' includes a legal guardian or other person standing in loco parentis.

''(5) The term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

''(6) The term ''qualified school'' means a public, private, or independent elementary school that meets the requirements of section 1806 and any other qualifications established by the State to accept academic emergency relief funds from the parents of participating eligible students.

''(7) The term ''Secretary'' means the Secretary of Education.

''(8) The term ''State'' means each of the 50 States and the District of Columbia.

**''SEC. 1814. AUTHORIZATIONS OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004, except that the amount authorized to be appropriated may not exceed $100,000,000 for any fiscal year.''.

(b) REPEALS.—The following programs are repealed:

(1) INTERNATIONAL EDUCATION EXCHANGE PROGRAM.—Section 601 of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(2) FUND FOR THE IMPROVEMENT OF EDUCATION.—Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(3) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

H.R. 2

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 14: After title VI of the bill, insert the following (and redesignate provisions accordingly):

**TITLE VII—REIMBURSEMENT FOR COSTS FOR ILLEGAL ALIEN STUDENTS**

**SEC. 701. REIMBURSEMENT OF STATES FOR CERTAIN EDUCATIONAL COSTS FOR ILLEGAL ALIEN STUDENTS.**

Title X (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

**"PART L—REIMBURSEMENT FOR COSTS FOR ILLEGAL ALIEN STUDENTS**

**"SEC. 10995. REIMBURSEMENT OF STATES FOR CERTAIN EDUCATIONAL COSTS FOR ILLEGAL ALIEN STUDENTS.**

''(a) GRANTS TO STATES.—From the amount appropriated pursuant to subsection (e), subject to the succeeding provisions of this section, the Secretary shall provide for payment to each eligible State (as defined in subsection (b)) for reimbursable costs (as defined in subsection (c)).

''(b) ELIGIBLE STATES.—In order for a State to be eligible for payment under this section, the State shall provide the Secretary with—

''(1) such information as the Secretary may require to compute the amount of payment to the State under this section; and

''(2) assurances that such payments shall be used only for the purpose of reimbursing local educational agencies for reimbursable costs.

''(c) REIMBURSABLE COSTS DEFINED.—For purposes of this section, the term 'reimbursable costs' means, with respect to a State, costs incurred by local educational agencies in the State in providing a free public education (as mandated by Federal law) to eligible illegal alien students (as defined in subsection (d)(1)) who have been identified to the Secretary in a form and manner specified by the Secretary.

''(d) ELIGIBLE ILLEGAL ALIEN STUDENTS.—

''(1) IN GENERAL.—For purposes of this section, the term 'eligible illegal alien student' means an alien who is not lawfully present in the United States and is enrolled in a public school of a local educational agency in a State in an elementary or secondary school level as of September 30, 1999, but only so long as such alien remains enrolled at a public school of such local educational agency within such school level.

''(2) SCHOOL LEVELS DEFINED.—For purposes of this subsection, there shall be 2 school levels:

''(A) The elementary school level, consisting of kindergarten through the 6th grade.

''(B) The secondary school level, consisting of the 7th through 12th grades.

''(e) AMOUNT OF PAYMENT.—

''(1) IN GENERAL.—The amount of payment to an eligible State for a fiscal year under this section is the amount appropriated pursuant to subsection (f) for the fiscal year multiplied by the ratio of—

''(A) the product of—

''(i) the average number determined under paragraph (2)(A) for the State and the fiscal year involved; and

''(ii) the average expenditures determined under paragraph (2)(B) for the State and fiscal year involved; to

''(B) the sum of the products under subparagraph (A) for all eligible States for the fiscal year.

''(2) DETERMINATIONS.—The Secretary shall determine for each eligible State before the beginning of each fiscal year—

''(A) the average number of eligible illegal alien students in the State for any school day during the school year ending during the fiscal year; and

''(B) the average per-pupil expenditures for public education benefits in the State for such school year, as determined based on statistics of the National Center for Education Statistics relating to expenditure per pupil in average daily attendance in public elementary and secondary schools.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year (beginning with fiscal year 2001) such sums as may be necessary to make grants under this section.

''(g) STATE DEFINED.—In this section, the term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.''.

H.R. 2

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 15: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

**"SEC. 1612. SENSE OF CONGRESS REGARDING RAPID STUDENT POPULATION GROWTH.**

''(a) FINDINGS.—Congress finds that certain areas of the country face rapid student population growth with such growth straining school districts.

''(b) SENSE OF CONGRESS.—It is the sense of Congress that there is a need for financial support from Federal, State, and local agencies to assist school districts that face significant increases in student enrollment.

H.R. 2

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 16: After section 1113(f)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 107 of the bill, insert the following (and redesignate any subsequent paragraphs accordingly):

''(3) COUNTIES.—If sufficient funds are available, any local educational agency which contains 2 or more counties in their entirety shall provide to each eligible public school attendance area or eligible public school an amount of funds, per pupil from a low-income family, under this part for any fiscal year which is not less than 90 percent of the amount provided for the preceding fiscal year.

In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the third and fourth sentences.

H.R. 2

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 17: In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the following: ''If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.''.

H.R. 2

OFFERED BY: MR. ENGEL

AMENDMENT NO. 18: After section 1113(f)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 107 of the bill, insert the following (and redesignate any subsequent paragraphs accordingly):

''(3) COUNTIES.—If sufficient funds are available, any local educational agency which contains 2 or more counties in their entirety shall provide to each eligible public school attendance area or eligible public school an amount of funds, per pupil from a low-income family, under this part for any fiscal year which is not less than 90 percent of the amount provided for the preceding fiscal year.

In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the third and fourth sentences.

H.R. 2

OFFERED BY: MR. ENGEL

AMENDMENT NO. 19: In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the following: ''If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.''.

H.R. 2

OFFERED BY: MR. FATTAH

AMENDMENT NO. 20: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

**"SEC. 1612. EDUCATIONAL EQUITY.**

''(a) IN GENERAL.—Notwithstanding any other provision of this title, no State shall receive funds under this title unless the State certifies annually to the Secretary that—

''(1) the per pupil expenditures in the local educational agencies of the State are substantially equal, taking into consideration the variation in cost of serving pupils with special needs and the local variation in cost of providing education services; or

''(2) the achievement levels of students on reading and mathematics assessments, graduation rates, and rates of college-bound students in the local educational agencies with the lowest per pupil expenditures are substantially equal to those of the local educational agencies with the highest per pupil expenditures.

''(b) GUIDELINES.—The Secretary, in consultation with the National Academy of Sciences, shall develop and publish guidelines to define the terms 'substantially equal' and 'per pupil expenditures'.''.

H.R. 2

OFFERED BY: MR. FATTAH

AMENDMENT NO. 21: Strike subparagraph (B) of section 1111(b)(8) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 105 of the bill, and insert the following:

''(B) what specific steps the State educational agency will take to assist schools and local educational agencies that receive funds under this part to assure that all students enrolled in such schools and local educational agencies reach, at a minimum, the proficient level of performance within the time line established by paragraph (2)(A)(viii);

''(C) the actions the State will take to assure that critical education services and resources are available in local educational agencies that receive funds under this part to the extent that such services are available in local educational agencies that do not receive funds under this part;

''(D) whether services in local educational agencies that receive funds under this part are of comparable quality to the services in local educational agencies that do not receive funds under this part; and

''(D) at a minimum—

''(i) the rates at which class sections are taught by experienced and fully qualified teachers as defined in section 1610;

''(ii) curriculum, in terms of both the range of courses offered, and the opportunity to participate in rigorous courses, including advanced placement (AP) courses; and

''(iii) the quality and availability of instructional materials and instructional resources including technology;

''(E) the measures that the State educational agency will use annually to measure and publicly report progress regarding clauses (i) through (iii) of subparagraph (D).

After section 117 of the bill (proposing to amend section 1120 of the Elementary and Secondary Education Act of 1965), insert the following (and redesignate any subsequent sections accordingly):

**SEC. 118. FISCAL REQUIREMENTS.**

(a) REQUIREMENTS.—Section 1120A(c)(2) (20 U.S.C. 6322A(c)(2)) is amended to read as follows:

''(2) CRITERIA FOR MEETING COMPARABILITY REQUIREMENT.—'';

''(A) APPROVAL.—To meet the requirement of paragraph (1), a local educational agency shall obtain the State educational agency's approval of a comprehensive plan to ensure comparability in the use of Federal, State, and local funds and educational services among its schools receiving funds under this part and its other schools with respect to:

''(i) the rates at which class sections are taught by experienced and fully qualified teachers as defined in section 1610;

''(ii) curriculum, in terms of both the range of courses offered, and the opportunity to participate in rigorous courses including advanced placement (AP) courses; and

''(iii) the quality and availability of instructional materials and instructional resources including technology.'';

''(B) EXCLUSION.—A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

''(C) REQUIREMENTS.—Notwithstanding subparagraph (A), a local educational agency may continue to meet the requirement of paragraph (1) by complying with subparagraph (A) as such subparagraph was in effect on the day preceding the date of enactment of the Student Results Act of 1999, except that each local educational agency shall be required to comply with subparagraph (A), as in effect after such date of enactment, not later than July 1, 2002.''; and

(b) RECORDS.—Section 1120A(3)(B), is amended by striking ''biennially'' and inserting ''annually''.

H.R. 2

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 22: After title VI of the bill, insert the following (and redesignate provisions accordingly):

**TITLE VII—VIOLENCE PREVENTION TRAINING**

**SEC. 701. VIOLENCE PREVENTION TRAINING.**

Title X (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

**''PART L—VIOLENCE PREVENTION TRAINING**

**''SEC. 10995. PROGRAM AUTHORIZED.**

''(a) GRANT AUTHORITY.—The Secretary is authorized to award grants to institutions of higher education and qualified entities that carry out early childhood education training programs to enable selected institutions of higher education and qualified entities to provide violence prevention training as part of the early childhood education training program.

''(b) AMOUNT.—The Secretary shall award a grant under this part in an amount that is not less than $500,000 and not more than $1,000,000.

''(c) DURATION.—The Secretary shall award a grant under this part for a period of not less than 3 years and not more than 5 years.

**''SEC. 10996. APPLICATION.**

''(a) APPLICATION REQUIRED.—Each institution of higher education and qualified entity desiring a grant under this part shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(b) CONTENTS.—Each application shall—

''(1) describe the violence prevention training activities and services for which assistance is sought;

''(2) contain a comprehensive plan for the activities and services, including a description of—

''(A) the goals of the violence prevention training program;

''(B) the curriculum and training that will prepare students for careers which are described in the plan;

''(C) the recruitment, retention, and training of students;

''(D) the methods used to help students find employment in their fields;

''(E) the methods for assessing the success of the violence prevention training program; and

''(F) the sources of financial aid for qualified students;

''(3) contain an assurance that the instructors running the program are qualified and will use proven methods of violence prevention;

''(4) contain an assurance that the institution has the capacity to implement the plan; and

''(5) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution of higher education or qualified entity in carrying out the plan.

**''SEC. 10997. SELECTION PRIORITIES.**

''The Secretary shall give priority to awarding grants to institutions of higher education and qualified entities carrying out violence prevention programs that include 1 or more of the following components:

''(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

''(2) Preparation to engage in community outreach or collaboration with other services in the community.

''(3) Preparation to use conflict resolution training with children.

''(4) Preparation to work in economically disadvantaged communities.

''(5) Recruitment of economically disadvantaged students.

''(6) Carrying out programs of demonstrated effectiveness in the type of training for which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

**''SEC. 10998. DEFINITIONS.**

''For purposes of this part:

''(1) AT-RISK CHILD.—The term 'at-risk child' means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.

''(2) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term 'early childhood education training program' means a program that—

''(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

''(ii) provides professional development to individuals working in early child development programs or elementary schools;

''(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

''(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

''(3) QUALIFIED ENTITY.—The term 'qualified entity' means a public or nonprofit private organization which has—

''(A) experience in administering a program consistent with the requirements of this part; and

''(B) demonstrated the ability to coordinate, manage, and provide technical assistance to programs that receive grants under this part.

''(4) VIOLENCE PREVENTION.—The term 'violence prevention' means—

''(A) preventing violent behavior in children;

''(B) identifying and preventing violent behavior in at-risk children; or

''(C) identifying and ameliorating violent behavior in children who act out violently.

**''SEC. 10999. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part $35,000,000 for each of the fiscal years 2000 through 2004.''.

H.R. 2

OFFERED BY: MR. GOODLING

AMENDMENT NO. 23: In section 1112(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (10), by striking the ''and'' after the semicolon;

(2) in paragraph (11), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(12) a description of the criteria established by the local educational agency pursuant to section 1119(b)(1).

In section 1124(c)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) in subparagraph (A), strike ''and'' after the semicolon;

(2) in subparagraph (B), strike the period and insert ''; and''; and

(3) add at the end the following:

''(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4).''.

In section 1124(c)(4) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) insert before the first sentence the following: ''For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary

shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.'';

(2) in the first sentence after the sentence inserted by paragraph (1)—

(A) insert ''the number of such children and'' after ''determine''; and

(B) insert ''(using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October)'' after ''fiscal year''.

Amend subparagraph (C) of section 1701(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill, to read as follows:

''(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).''.

In section 5204(a) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), insert ''the design and development of new strategies for overcoming transportation barriers,'' after ''effective public school choice''; and

(2) in paragraph (2)(A), after ''inter-district'' insert ''or intra-district''; and

(3) amend subparagraph (E) to read as follows:

''(E) public school choice programs that augment the existing transportation services necessary to meet the needs of children participating in such programs.''.

In section 5204(b) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), after the semicolon insert ''and'';

(2) strike paragraph (2); and

(3) redesignate paragraph (3) as paragraph (2).

In section 9116(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

(1) insert ''funds for'' after ''(b) shall include''; and

(2) strike '', or portion thereof,'' and insert ''exclusively serving Indian children or the funds reserved under any program to exclusively serve Indian children''.

In section 15004(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 301 of the bill, strike ''state, or federal laws, rules or regulations'' and insert ''State, and Federal laws, rules and regulations''.

In section 1121(c)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''1 year'' and insert ''2 years''.

In the heading for section 1123 of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, insert ''codification of'' before ''regulations''.

In section 1126(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''maintenance to schools'' and insert ''maintenance of schools''.

In the heading for section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''GENERAL'' and all that follows through the semicolon.

In section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''Regulations required'' and all that follows through ''Such regulations shall'' and insert ''Regulations issued to implement this Act shall''.

In section 1138A(b)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike '', provided that the'' and all that follow through the end of the paragraph and insert a period.

In section 1138A(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, redesignate paragraph (2) as paragraph (3), and insert the following new paragraph (2) after paragraph (1):

''(2) NOTIFICATION TO CONGRESS.—If draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 are not issued in final form by the deadline provided in paragraph (1), the Secretary shall notify the appropriate committees of Congress of which draft regulations were not issued in final form by the deadline and the reason such final regulations were not issued.

In section 5209(a) of Public Law 100–297, as proposed to be amended by section 420 of the bill—

(1) strike ''106(f)'' and insert ''106(e)'';

(2) strike ''106(j)'' and insert ''106(i)''; and

(3) strike ''106(k)'' and insert ''106(j)''.

In section 722(g)(3)(C) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(C)), as proposed to be amended by section 704 of the bill—

(1) in clause (i), strike ''Except as provided in clause (iii), a'' and insert ''A''; and

(2) amend clause (iii) to read as follows:

''(iii) ''If the child or youth needs to obtain immunizations or immunization records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations or immunization records in accordance with subparagraph (E).''

In section 722(g)(3)(E)(i) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(E)(i)), as proposed to be amended by section 704 of the bill, strike ''except as provided in subparagraph (C)(iii),''.

In section 1112(g) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106(f) of the bill strike paragraph (2)(A) and insert the following:

''(2) CONSENT.—

''(A) AGENCY REQUIREMENTS.—

''(i) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

''(I) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

''(II) instruction is tailored for limited English proficient children.

''(ii) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

''(iii) RESPONSE NOT OBTAINED.—

''(I) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such notice and its specific efforts made to obtain such consent.

''(II) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

(III) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

H.R. 2

OFFERED BY: MR. HILL OF INDIANA

AMENDMENT NO. 24: Add at the end of the bill the following new title:

**TITLE IX—SMALLER SCHOOLS**

**SEC. 901. SMALLER SCHOOLS.**

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following new part:

**''PART L—SMALLER SCHOOLS**

**''SEC. 10995. SHORT TITLE AND FINDINGS.**

''(a) SHORT TITLE.—This part may be cited as the 'Smaller Schools, Stronger Communities Act'.

''(b) FINDINGS.—Congress finds the following:

''(1) Since World War II, the conventional wisdom among educators has been that larger schools are better and accordingly the number of secondary schools in the United States has declined by 70 percent, while average school size has grown by 5 times. But over the past few years, educators have begun to question the approach that bigger schools are always better.

''(2) The National Association of Secondary School Principals (referred to in this section as the NAASP) recently recommended that the high school of the 21st Century be ''much more student-centered and above all much more personalized in programs, support services and intellectual rigor.'' The NAASP stated that students take more interest in school when they experience a sense of belonging and that students benefit from a more intimate setting in which their presence is more readily and repeatedly acknowledged.

''(3) The NAASP also warns that the ''bigness'' of high schools shrouds many young people ''in a cloak of anonymity'' and recommends that high schools should restructure the space and time of high schools so that students are no longer ''invisible and melt into their surroundings''. NAASP recommends that high schools change their structure to limit their enrollments to self-operating units of not more than 600 students, either through constructing new buildings or through creating ''school-within-school'' units. It also suggests changing the relationship between teachers and students by reducing the number of class changes students make each day and allowing teachers to have more time with smaller numbers of students.

''(4) Scientifically based research shows that larger school size tends to stratify students into different tracks which are often based on children's educational and social backgrounds. Larger schools foster inequitable educational outcomes, where there are great differences between the educational achievement of students within the same school.

''(5) Scientifically based research shows that in smaller, more personalized, and less bureaucratic schools, inequities between student achievement are smaller and that students in smaller schools perform better in the core subjects of reading, math, history, and science and are more engaged in their courses. In addition, smaller schools have higher attendance rates and higher participation in school activities.

''(6) Scientifically based research shows that because achievement levels in smaller schools are more equitably distributed, students who come from more disadvantaged economic and educational backgrounds show the greatest achievement gains in smaller schools.

**''SEC. 10996. PROGRAM AUTHORIZED.**

''(a) IN GENERAL.—The Secretary is authorized to provide flexible challenge grants to local educational agencies to implement and administer plans to create smaller schools.

''(b) CONSIDERATION; ASSURANCE; AND PRIORITY.—The Secretary, in awarding grants under this part to local educational agencies shall—

''(1) consider the number of students served and the number, location, and size of the schools which serve such students; and

''(2) assure, to the extent practicable, an equitable distribution of assistance among urban and rural areas of the United States and among urban and rural areas of a State.

''(3) give priority to local educational agencies that establish a target number for attendance at—

''(A) each high school of not more than 600 students or create self-operating academic units within a high school of not more than 600; and

''(B) each elementary school or middle school of not more than 400 students.

''(c) LIMITATION.—The Secretary may award not more than $2,000,000 to any local educational agency selected to receive a grant award under this part.

**''SEC. 10997. APPLICATION.**

''(a) IN GENERAL.—

''(1) IN GENERAL.—A local educational agency wishing to implement smaller school plans shall apply to the Secretary for a flexible challenge grant at such time and in such form as the Secretary may reasonably require.

''(2) APPLICATION FORM.—The Secretary shall develop a application that is simple and brief in form.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this part, a local educational agency shall submit a 5-year plan that—

''(1) calculates the number of students enrolled in each school during the preceding school year divided by the number of schools in such agency; and

''(2) describes how such agency plans to reduce the size of its schools by creating 'schools within schools,' or building new schools to reduce average school sizes.

**''SEC. 10998. USES OF FUNDS AND REPORTING.**

''(a) USES OF FUNDS.—Funds received under this part may be used—

''(1) to hire additional staff;

''(2) for planning, feasibility studies, and architectural fees to design or remodel school facilities; and

''(3) for any other reasonable expense, but shall not include the costs directly associated with the renovation of existing facilities or the purchase or construction of new facilities.

''(b) REPORTING.—Each local educational agency that receives a grant under this part shall report annually to the Secretary regarding how such funds were spent.

**''SEC. 10999. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2000, $100,000,000 for fiscal year 2001, $200,000,000 for fiscal year 2002, and $300,000,000 for fiscal year 2003.''.

H.R. 2

OFFERED BY: MR. HINOJOSA

*(To the Amendment in the Nature of a Substitute Offered by Mr. Goodling)*

AMENDMENT NO. 25: Page II–13, after line 25, insert the following:

**TITLE III—BILINGUAL EDUCATION**

**SEC. 301. FINDINGS.**

(a) The Congress finds that—

(1) since 1979, the number of limited English proficient children in America's schools has doubled and demographic trends indicate the population of limited English proficient children will continue to increase;

(2) language minority Americans speak virtually all world languages plus many that are indigenous to the United States, although Spanish is the native language for 3 out of 4 language minority Americans;

(3) multilingualism, or the ability to speak languages in addition to English, is a tremendous resource to the United States because such ability enhances American competitiveness in global markets by permitting improved communication and cross-cultural understanding between producers and suppliers, vendors and clients, and retailers and consumers;

(4) language minority students bring a rich linguistic diversity to America's classrooms which enhances the learning environment for all students—their contribution should be valued for the significant and positive impact it has on the entire school environment;

(5) for many limited English proficient students, fluency in a language other than English has been treated as a deficit rather than as a societal benefit in our Nation's schools;

(6) the Federal Government, as reflected in title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited English proficiency;

(7) the Federal Government also, as exemplified by programs authorized under title VII of the Elementary and Secondary Education Act of 1965, has a special and continuing obligation to assist States and local school districts to develop the capacity to provide programs of instruction that offer limited English proficient children and youth an equal educational opportunity;

(8) limited English proficient children and youth face a number of challenges in receiving an education that will enable them to participate fully in American society, including—

(A) segregated education programs;

(B) disproportionate and improper placement in special education and other special programs, due to the use of inappropriate evaluation procedures;

(C) disproportionate attendance in high-poverty schools, as demonstrated by the fact that, in 1994, 75 percent of limited English proficient students attended schools in which at least half of all students were eligible for free or reduced-price meals;

(D) the limited English proficiency of their parents, which hinders parents' ability to participate fully in the education of their children;

(E) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth; and

(F) lack of appropriate performance and assessment standards that distinguish between language and academic achievement so that there is equal accountability on the part of states and local education agencies for the achievement of limited English proficient students in academic content while acquiring English;

(9) research has delineated the most effective methodologies for teaching a second language, which should be adopted, including—

(A) that the most effective environment for second language teaching and learning are those that promote limited English proficient students' native language and literacy development as a foundation for English language and academic development; and

(B) that parent and community participation in bilingual education programs contributes to program effectiveness.

**SEC. 302. POLICY AND PURPOSE.**

(a) POLICY.—Section 7102(b) is amended to read as follows:

''(b) POLICY.—The Congress declares it to be the policy of the United States—

''(1) in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, that the Federal Government should assist State and local educational agencies, institutions of higher education, and community-based organizations to build their capacity to establish, implement, and sustain programs of instruction and language development for children and youth of limited English proficiency;'';

''(2) ensuring limited English proficient children also meet challenging State standards in the core content areas, including the ability to understand, speak, read and write English at the same level as native English speakers;

''(3) developing fully bilingual/biliterate skills; and

''(4) developing the English language skills of such children and youth and the native language skills of such children and youth.''.

(b) PURPOSES.—Section 7102(c) is amended by inserting in the matter before paragraph (1) the following: ''promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving students with limited English proficiency.''.

**SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR PART A.**

Section 7103(a) is amended to read as follows:

''(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $700,000,00 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005.''.

**SEC. 304. ACCOUNTABILITY.**

Subpart 1 of title VII is amended by—

(1) inserting a new section 7112 to read as follows:

**''SEC. 7112. ACCOUNTABILITY.**

''(a) In order to ensure that limited English proficient students are receiving effective English language instruction and effective instruction that enables such students to achieve to challenging State standards—

''(1) all programs funded under this subpart shall annually assess the English proficiency of all limited English proficient students served by the program;

''(2) such students shall be included in the State assessments of academic performance, as provided for under section 1111(b)(2); and

''(3) such students shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what those students know, and can do, in content areas other than English.

For the purposes of this subsection, tests written in Spanish shall be deemed practicable when administered to Spanish-speaking students with limited English proficiency if such tests are more likely than tests written in English to yield accurate and reliable information on what those students know and can do in content areas other than English.

''(b) Notwithstanding paragraph (3), such students who have been in United States' schools (not including Puerto Rico) for 5 consecutive years or more shall be tested in reading and language arts using tests written in English, except that a State or school district, based upon the scores of a student on the tests required in paragraph (1), may determine that a student is sufficiently proficient to be tested in reading and language arts using tests written English, prior to the completion of 5 years in United States schools.;

''(c) No student shall be removed from a program of bilingual education or English as a second language based upon his or her performance on the test administered under clause (2).''; and

(2) renumbering subsequent sections appropriately.

**SEC. 305. MULTILINGUAL EDUCATION.**

(a) FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION.—Section 7111(2)(A) is amended by striking '', and to the extent possible,'' and inserting ''and''.

(b) PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.—Section 7112(b)(2)(i) is amended by striking ''; and'' and inserting ''and will promote proficiency in English and in such students' native language; and''.

(c) APPLICATIONS.—Subparagraph 7116(b)(2)(B) is amended by—

(1) striking ''and'' at the end of clause (i);

(2) inserting a new clause (ii) to read as follows:

''(ii) will further both English language proficiency and native language proficiency in limited English proficient students served pursuant to a grant received under this subpart; and''; and

(3) by redesignating clause (ii) as (iii).

(d) FUNDING PRIORITY.—Section 7120 is amended by—

(1) striking the ''and'' at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting ''; and

(3) adding a new paragraph (4) to read as follows—

''(4) establishes programs for dual language proficiency in English and students' native languages.''.

(e) EVALUATION.—Section 7123(c)(1) is amended by striking ''(and, where applicable, native language)'' and inserting ''and native language''.

**SEC. 306. PROGRAM DEVELOPMENT AND ENHANCEMENT GRANTS.**

Section 7113 is amended—

(1) by amending the section heading to read as follows: ''PROGRAM DEVELOPMENT AND ENHANCEMENT GRANTS'';

(2) by amending subsection (a) to read as follows:

''(a) PURPOSE.—The purpose of this section is to provide grants to eligible entities to carry out effective and innovative instructional programs for limited English proficient students.'';

(3) in subsection (b)—

(A) in paragraph (1)(B), by striking ''two'' and inserting ''three''; and

(B) by amending paragraph (2) to read as follows:

''(2) AUTHORIZED ACTIVITIES.—

''(A) Grants under this section shall be used for—

''(i) developing and implementing comprehensive, preschool, elementary, or secondary education programs for children and youth with limited English proficiency, that are aligned with standards-based State and local school reform efforts and coordinated with other relevant programs and services to meet the full range of educational needs of such children and youth;

''(ii) providing high-quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students; and

''(iii) annually assessing the English proficiency of all limited English proficient students served by the program.

''(B) Grants under this section may be used for—

''(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students and to promote proficiency in English and in the students' native language;

''(ii) developing accountability systems to track the academic progress of limited English proficient and formerly limited English proficient students;

''(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

''(iv) improving the instructional program for limited English proficient students by identifying, acquiring, and applying effective curriculum, instructional materials, assessments, and educational technology aligned with State and local standards;

''(v) providing tutorials and academic or career counseling for children and youth who are limited English proficient; and

''(vi) such other activities, consistent with the purposes of this part, as the Secretary may approve.''.

**SEC. 307. COMPREHENSIVE SCHOOL GRANTS.**

Section 7114 is amended—

(1) by amending subsection (a) to read as follows:

''(a) PURPOSE.—The purpose of this section is to implement school-wide education programs, in coordination with title I, for children and youth with limited English proficiency—

''(1) to assist such children and youth to learn English and achieve to challenging State content and performance standards; and

''(2) to improve, reform, and upgrade relevant programs and operations, in schools with significant concentrations of such students or that serve significant numbers of such students.'';

(2) by amending subsection (b)—

(A) in paragraph (1)(B) by inserting at the end a new sentence to read as follows: ''Any entity not receiving a satisfactory evaluation of a grant received under this section shall be ineligible to apply for another grant under this section for at least 3 years.''; and

(B) amending paragraph (3) to read as follows:

''(3) AUTHORIZED ACTIVITIES.—

''(A) Grants under this section shall be used to improve the education of limited English proficient students and their families by—

''(i) coordinating the program with district policies and practices, as well as other relevant programs and services, and aligning the program with school reform efforts to meet the full range of educational needs of limited English proficient students;

''(ii) providing training to all, or virtually all, school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient students;

''(iii) developing or improving accountability systems to track the academic progress of limited English proficient and formerly limited English proficient students; and

''(iv) annually assessing the English proficiency of all limited English proficient students served by the program.

''(B) Grants under this section may also be used for—

''(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students;

''(ii) developing and using educational technology, including interactive technology, to improve learning, assessments, and accountability;

''(iii) implementing and adapting research-based models for meeting the needs of limited English proficient students;

''(iv) developing and implementing programs to meet the needs of limited English proficient students with disabilities;

''(v) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

''(vi) improving the instructional program for limited English proficient students by identifying, acquiring, and upgrading curriculum, instructional materials, educational software and assessment procedures;

''(vii) providing tutorials and academic or career counseling for children and youth of limited English proficiency;

''(viii) developing and implementing programs to help all students become proficient in more than 1 language; and

''(ix) carrying out such other activities, consistent with the purposes of this part, as the Secretary may approve.'';

(3) by amending paragraph (4) to read as follows:

''(4) SPECIAL RULES.—A grant recipient—

''(A) before carrying out a program assisted under this section, shall plan, train personnel, develop curriculum, and acquire or develop materials, but shall not use funds under this section for planning purposes for more than 90 days; and

''(B) shall not carry out a program under this section in more than 2 schools for each grant it receives under this section.''.

**SEC. 308. SYSTEMWIDE IMPROVEMENT GRANTS.**

Section 7115 is amended—

(1) in subsection (a), by striking ''bilingual education programs or special alternative instruction programs to'' and inserting ''instructional programs for children and youth with limited English proficiency'';

(2) by amending subsection (b)—

(A) in paragraph (1)(B) inserting at the end a new sentence to read as follows: ''Any entity not receiving a satisfactory evaluation of a grant received under this section shall be ineligible to apply for another grant under this section for at least 3 years.''; and

(B) by amending paragraph (4) to read as follows:

''(4) AUTHORIZED ACTIVITIES.—

''(A) Grants under this section shall be used for—

''(i) aligning programs for limited English proficient students in the district with school, district, and State reform efforts and coordinating the program with other relevant programs, such as title I, and services

to meet the full range of educational needs of limited English proficient students throughout the district;

''(ii) providing high-quality professional development that is aligned with high standards to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students;

''(iii) developing and implementing a plan, coordinated with programs under title II of Higher Education Act of 1965 where applicable, to recruit teachers trained to serve limited English proficient students;

''(iv) annually assessing the English proficiency of all limited English proficient students served by the program; and

''(v) developing or improving accountability systems that are consistent with the State's accountability system to measure limited English proficient students academic progress in a valid and reliable manner;

''(vi) reviewing student grade promotion policies and graduation requirements to provide the required additional education services for limited English proficient students; and

''(vii) developing and improving family education programs and parent outreach and training activities designed to assist parents to become informed and active decision makers regarding the education of their children.

''(B) Grants under this section may also be used for—

''(i) developing and implementing programs to help all students become proficient in more than 1 language;

''(ii) developing content and performance standards for learning English as a second language, as well as for learning other languages;

''(iii) developing assessments tied to State performance standards;

''(iv) developing performance standards for students with limited English proficiency that are aligned with challenging State content standards;

''(v) redesigning programs for limited English proficient students to meet the needs of changing populations of such students;

''(vi) coordinating assessments with State accountability systems;

''(vii) implementing policies and procedures to ensure that limited English proficient students have access to all district programs, such as gifted and talented, vocational education, and special education programs; and

''(viii) integrating technology into all aspects of educating limited English proficient students, including data management systems and the delivery of instructional services to limited English proficient students.''.

**SEC. 309. APPLICATIONS FOR AWARDS UNDER SUBPART 1.**

(a) APPLICATIONS.—Section 7116 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''such application'' and inserting ''its written comments on the application''; and

(B) by amending paragraph (2)(B) to read as follows:

''(B) For purposes of this subpart, such comments shall address—

''(i) how the grant activities will further the academic achievement and English proficiency of limited English proficient students served under a grant received under this subpart;

''(ii) how the grant activities will further both English language proficiency and native language proficiency, if applicable, in limited English proficient students served pursuant to a grant received under this subpart; and

''(iii) how the grant application is consistent with the State plan, especially with regard to State assessments, required under section 1111.'';

(2) by amending subsection (f) to read as follows:

''(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

''(1) the applicant has the qualified personnel required to develop, administer, and implement the proposed program; and

''(2) the leadership of each participating school has been involved in the development and planning of the program in the school.'';

(3) in subsection (g)(1)—

(A) by amending subparagraph (A) to read as follows:

''(A) A description of the need for the proposed program, including data on the number of children and youth of limited English proficiency in the schools or school districts to be served and the characteristics of such children and youth, including—

''(i) the native languages of the students to be served;

''(ii) student proficiency in English and the native language;

''(iii) current achievement data of the limited English proficient students to be served by the program (and in comparison to their English proficient peers) in—

''(I) reading or language arts (in English and in the native language, if applicable); and

''(II) mathematics;

''(iv) information related to reclassification including applicants that—

''(I) demonstrate that they have a proven record of success in helping children and youth with limited English proficiency learn English and achieve to high academic standards; or

''(II) propose programs that provide for the development of bilingual proficiency both in English and their native language for all participating students;

''(v) the previous schooling experiences of participating students;

''(vi) the professional development needs of the instructional personnel who will provide services for limited English proficient students, including the need for certified teachers; and

''(vii) how the grant would supplement the basic services provided to limited English proficient students.'';

(B) in subparagraph (B)—

(i) by amending clause (ii) to read as follows:

''(ii) is coordinated with other programs under this Act, and other Acts as appropriate, such as the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act, in accordance with section 14306;'';

(ii) by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively; and

(iii) by inserting a new clause (ii) to read as follows:

''(ii) will supplement the basic services the applicant provides to limited English proficient students;''; and

(C) by amending subparagraph (E) to read as follows:

''(E) An assurance that the applicant will employ teachers in the proposed program who individually, or in combination, are proficient in—

''(i) English, including written, as well as oral, communication skills; and

''(ii) the native language of the majority of students they teach, if instruction in the program is also in the native language.''

''(v) the previous schooling experiences of participating students;

''(vi) the professional development needs of the instructional personnel who will provide services for limited English proficient students, including the need for certified teachers; and

''(vii) how the grant would supplement the basic services provided to limited English proficient students.''; and

(4) in subsection (i)—

(A) by amending paragraph (2) to read as follows:

''(2) LIMITATION.—Grants for programs under this subpart that do not use the students' native language shall not exceed 25 percent of the funds provided for any type of grant under that section, or of the total funds provided under this subpart, for any fiscal year.''; and

(B) in paragraph (3), by striking ''special alternative instructional programs'' and inserting ''programs that do not use the students' native language''.

(b) EXPANDING EDUCATION SERVICES.—Section 7116 is amended—

(A) by inserting (1) in the matter before ''Each recipient''; and

(B) inserting a new paragraph (2) to read as follows:

''(2) In order to increase its capacity to provide educational services to limited English proficient students, each grant recipient may intensify instruction for limited English proficient students by—

''(A) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months; and

''(B) providing intensified instruction through supplementary instructional activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.''.

**SEC. 310. EVALUATIONS UNDER SUBPART 1.**

Section 7123 is amended—

(1) in subsection (a), by striking ''every 2 years'' and inserting ''every year'';

(2) by amending subsection (c) to read as follows:

''(c) EVALUATION COMPONENTS.—

(1) In preparing evaluation reports, the recipient shall—

''(A) use the data provided in the application as baseline data against which to report academic achievement and gains in English proficiency for students in the program;

''(B) report on the validity and reliability of all instruments used to measure student progress; and

''(C) enable results to be disaggregated by relevant factors, such as a student's grade, gender, and language group, and whether the student has a disability.

''(2) Evaluations shall include—

''(A) data on the project's progress in achieving its objectives;

''(B) data showing the extent to which all students served by the program are achieving to the State's student performance standards, including—

''(i) data comparing limited English proficient children and youth with English proficient students with regard to grade retention and academic achievement in reading and language arts, in English and in the native language if the project develops native language proficiency, and in math;

''(ii) gains in English proficiency, including speaking, comprehension, reading, and writing, as developmentally appropriate, and such gains in native language proficiency if the project develops native language proficiency; and

''(iii) reclassification rates (including average duration in a program) for limited English proficient students by grade, and data on the academic achievement of redesignated students for 2 years after redesignation;

''(C) program implementation indicators that provide information related to program management and effectiveness, including—

''(i) data on appropriateness of curriculum in relationship to course requirements;

''(ii) appropriateness of program management;

''(iii) appropriateness of staff professional development;

''(iv) appropriateness of the language of instruction; and

''(v) appropriateness of the assessment and accountability system;

''(D) a description of how the activities funded under the grant are coordinated and integrated with the overall school program and other Federal, State, or local programs serving limited English proficient children and youth; and

''(E) such other information as the Secretary shall require.''; and

(3) by adding a new subsection (d) to read as follows:

''(d) PERFORMANCE MEASURES.—The Secretary shall establish performance indicators to determine if programs under sections 7113 and 7114 are making continuous and substantial gains, as defined in section 1111(b)(3), and may establish performance indicators to determine if programs under section 7112 are making continuous and substantial progress, toward assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards.''.

**SEC. 311. RESEARCH.**

Section 7132 is amended—

(1) in subsection (a), by—

(A) inserting the paragraph designation ''(1)'' before ''The Secretary shall''; and

(B) inserting after paragraph (1) the following:

''(2) Such research may include—

''(A) collecting data needed for compliance with the Government Performance and Results Act;

''(B) improving data collection procedures and the infrastructure for data collection on limited English proficient students, for purposes of improving instruction and accountability;

''(C) developing research-based models for serving limited English proficient students of diverse language backgrounds and in diverse educational settings;

''(D) identifying technology-based approaches that show effectiveness in helping limited English proficient students reach challenging State standards; and

''(E) other research, demonstration, and data collection activities consistent with the purpose of this title.'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''and'' at the end;

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraph (4) as paragraph (2);

(3) in subsection (c)—

(A) in paragraph (1), by—

(i) striking ''(1) IN GENERAL.—''; and

(ii) by striking ''under subpart 1 or 2'' and inserting ''under subpart 1, section 7124, or subpart 3''; and

(B) striking paragraph (2); and

(4) by inserting a new subsection (e) as follows:

''(e) DATA COLLECTION.—The Secretary shall provide for the continuation of data collection on limited English proficient students as part of the data systems operated by the Department and shall publish on an annual basis a list of grantees under this title for public dissemination.''.

**SEC. 312. STATE GRANT PROGRAM.**

Section 7134(c) is amended to read as follows:

''(c) USES OF FUNDS.—A State educational agency shall use funds awarded under this section to—

''(1) assist local educational agencies in the State with program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students that are aligned with State reform efforts; and

''(2) collect data on limited English proficient populations in the State and the educational programs and services available to such populations.''.

**SEC. 313. NATIONAL CLEARINGHOUSE ON EDUCATION OF CHILDREN AND YOUTH WITH LIMITED ENGLISH PROFICIENCY.**

Section 7135 is amended to read as follows:

**''SEC. 7135. NATIONAL CLEARINGHOUSE ON EDUCATION OF CHILDREN AND YOUTH WITH LIMITED ENGLISH PROFICIENCY.**

''The Secretary shall establish and support the operation of a National Clearinghouse on the Education of Children and Youth with Limited English Proficiency, which shall collect, analyze, synthesize, and disseminate information about programs related to the education of children and youth with limited English proficiency and coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems.''.

**SEC. 314. INSTRUCTIONAL MATERIALS DEVELOPMENT.**

Section 7136 is amended to read as follows:

**''SEC. 7136. INSTRUCTIONAL MATERIALS DEVELOPMENT.**

''(a) AUTHORITY.—The Secretary may award grants for the development, publication, and dissemination of high-quality instructional materials—

''(1) in Native American and Native Hawaiian languages;

''(2) in the language of Native Pacific Islanders and other natives of the outlying areas for whom instructional materials are not readily available;

''(3) in other low-incidence languages in the United States and for which instructional materials are not readily available; and

''(4) on standards and assessments, and instructional programs related to the education of children and youth with limited English proficiency, for dissemination to parents of such children and youth.

''(b) PRIORITIES.—The Secretary shall give priority to applications that provide for—

''(1) developing instructional materials in languages indigenous to the United States or the outlying areas; and

''(2) developing and evaluating instructional materials, including technology-based application, that reflect challenging State and local content standards, in collaboration with activities assisted under subpart 1 and section 7124.''.

**SEC. 315. PURPOSE OF SUBPART 3.**

Section 7141 is amended to read as follows:

**''SEC. 7141. PURPOSE.**

''The purpose of this subpart is to assist in preparing educators to improve educational services for children and youth with limited English proficiency by supporting professional development programs for such educators.''.

**SEC. 316. TRAINING FOR ALL TEACHERS PROGRAM.**

Section 7142 is amended—

(1) by amending subsection (a) to read as follows:

''(a) PURPOSE.—The purpose of this section is to assist eligible applicants under subsection (b)(1) to develop and provide ongoing professional development to teachers and other educational personnel with a baccalaureate degree to improve their provision of services to limited English proficient students or to become certified as a bilingual or English as a second language teacher.'';

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) AUTHORITY.—The Secretary is authorized to award grants under this section to local educational agencies or to 1 or more local educational agencies in consortium with 1 or more State educational agencies, institutions of higher education, or nonprofit organizations.''; and

(B) in paragraph (2), by striking ''five'' and inserting ''three''; and

(3) by amending subsection (c) to read as follows:

''(c) ACTIVITIES.—

''(1) Funds under this section shall be used to conduct high-quality, long-term professional development activities.

''(2) Funds under this section may be used to—

''(A) design and implement induction programs for new teachers, including mentoring and coaching by trained teachers, team teaching with experienced teachers, time for observation of, and consultation with, experienced teachers, and additional time for course preparation;

''(B) implement school-based collaborative efforts among teachers to improve instruction in reading and other core academic areas for students with limited English proficiency, including programs that facilitate teacher observation and analyses of fellow teachers' classroom practice;

''(C) support long-term collaboration among teachers and outside experts to improve instruction of limited English proficient students;

''(D) coordinate project activities with other programs such as those under the Head Start Act and titles I and II of this Act;

''(E) implement programs that support effective teacher use of education technologies to improve instruction and assessment;

''(F) establish and maintain local professional networks;

''(G) develop curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served;

''(H) implement professional development focused on the appropriate use of multiple assessments, the appropriate use of assessment results and how to communicate such results to parents;

''(I) develop education technology to enhance professional development; and

''(J) such other activities as are consistent with the purpose of this section.''.

**SEC. 317. BILINGUAL EDUCATION TEACHERS AND PERSONNEL GRANTS.**

Section 7143 is amended—

(1) by amending subsection (a) to read as follows:

''(a) PURPOSE.—The purpose of this section is to support preservice professional development to improve the preparation of prospective teachers who are preparing to teach children and youth of limited English proficiency.'';

(2) by amending subsection (c) to read as follows:

''(c) AUTHORITY.—

''(1) The Secretary is authorized to make grants to institutions of higher education for preservice professional development in order to improve preparation for prospective teachers who are preparing to teach children and youth of limited English proficiency.

''(2) Each grant under this section shall be awarded for a period of not more than 5 years.

''(3) A recipient of a grant under this section shall coordinate its grant program activities with other programs under this Act and other Acts as appropriate.''; and

(3) by adding a new subsection (d) to read as follow:

''(d) ACTIVITIES.—

''(1) Funds under this section shall be used to—

''(A) put in place a course of study that prepares teachers to serve limited English proficient students;

''(B) integrate course content relating to meeting the needs of limited English proficient students into all programs for prospective teachers;

''(C) assign tenured faculty to train teachers to serve limited English proficient students;

''(D) incorporate State content and performance standards into the institution's coursework; and

''(E) expand clinical experiences for participants.

''(2) Funds under this section may be used to—

''(A) support partnerships with local educational agencies that include placing participants in intensive internships in local educational agencies that serve large numbers of limited English proficient students;

''(B) restructure higher education course content, including improving coursework and clinical experiences for all prospective teachers regarding the needs of limited English proficient students and preparation for teacher certification tests;

''(C) assist other institutions of higher education to improve the quality of professional development programs for limited English proficient students;

''(D) expand recruitment of students who will be trained to serve limited English proficient students;

''(E) improve the skills and knowledge of faculty related to the needs of limited English proficient students;

''(F) coordinate project activities with activities under title II of the Higher Education Act of 1965; and

''(G) use technology to enhance professional development.''.

**SEC. 318. BILINGUAL EDUCATION CAREER LADDER PROGRAM.**

Section 7144 is amended—

(1) by amending subsection (a) to read as follows:

''(a) PURPOSE.—The purpose of this section is to assist eligible consortia to develop and implement high-quality bilingual education career ladder programs.'';

(2) by amending subsection (b)(1) to read as follows:

''(b) IN GENERAL.—

''(1)(A) The Secretary is authorized to award grants to consortia of 1 or more institutions of higher education and 1 or more State educational agencies or local educational agencies or community-based organizations to develop and implement bilingual education career ladder programs.

''(B) For purposes of this section, a 'bilingual education career ladder program' means a program that—

''(i) is designed to provide high-quality, prebaccalaureate coursework and teacher training to educational personnel who do not have a baccalaureate degree; and

''(ii) leads to timely receipt of a baccalaureate degree and certification or licensure of program participants as bilingual education teachers or other educational personnel who serve limited English proficient students.

''(C) Recipients of grants under this section shall—

''(i) coordinate with programs under title II of the Higher Education Act of 1965, and other relevant programs, for the recruitment and retention of bilingual students in post-secondary programs to train them to become bilingual educators; and

''(ii) make use of all existing sources of student financial aid before using grant funds to pay tuition and stipends for participating students.'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''consortium''; and

(ii) at the end by inserting ''and'' after the semicolon;

(B) in paragraph (2), by striking ''teachers; and'' and inserting ''teachers.''; and

(C) by striking paragraph (3); and

(4) by amending subsection (d) to read as follows:

''(d) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications under this section that provide training in English as a second language, including developing proficiency in the instructional use of English and, as appropriate, a second language in classroom contexts.''.

**SEC. 319. GRADUATE FELLOWSHIPS IN BILINGUAL EDUCATION PROGRAM.**

Section 7145(a) is amended—

(1) in paragraph (1), by striking ''masters, doctoral, and post-doctoral'' and inserting ''masters and doctoral'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

**SEC. 320. APPLICATIONS FOR AWARDS UNDER SUBPART 3.**

Section 7146 is amended—

(1) in subsection (a)(4), by inserting ''and applicants for grants under section 7145'' after ''Bureau of Indian Affairs''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''of such application copy'' and inserting ''an application under sections 7132, 7133, or 7134''; and

(ii) by inserting ''the written review of'' after ''and transmit''; and

(B) in paragraph (2), by striking ''this subpart'' and inserting ''sections 7132, 7133, and 7134''.

**SEC. 321. EVALUATIONS UNDER SUBPART 3.**

Section 7149 is amended to read as follows:

**''SEC. 7149. PROGRAM EVALUATIONS.**

''Each recipient of funds under this subpart shall provide the Secretary with an evaluation of its program every year. Such evaluations shall include—

''(1) the number of participants served, the number of participants who have completed program requirements, and the number of participants who have taken positions in an instructional setting with limited English proficient students;

''(2) the effectiveness of the program in imparting the professional skills necessary for participants to achieve the objectives of the program; and

''(3) the teaching effectiveness of graduates or other persons who have completed the training program.''.

**SEC. 322. MODEL PROGRAMS FOR PARENT INVOLVEMENT.**

(a) IN GENERAL.—Part A of title VII is amended by inserting after subpart 3 the following:

**''Subpart 4—Model Programs for Parent Involvement**

**''SEC. 7161. PROGRAM AUTHORIZED.**

''(a) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to local educational agencies to develop and implement model programs to—

''(A) assist parents of limited English proficient students in making informed educational decisions for their children; and

''(B) assist such parents in meeting their own educational needs.

''(2) ELIGIBLE ENTITIES.—Entities eligible to apply for grants under this subpart include consortia of—

''(A) at least 1 community-based organization;

''(B) at least 1 local educational agency; and

''(C) other consortia members such as, but not limited to, institutions of higher education, local or state government entities, or other entities with expertise in working with limited English proficient adults.

''(3) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

''(b) REQUIREMENTS.—

''(1) GRANTS FOR MODEL PROGRAMS TO PROVIDE INFORMATION TO PARENTS.—In awarding grants under subparagraph (a)(1)(A), the Secretary shall support programs that—

''(A) provide parents with necessary information that is easily understandable in the language of the parent;

''(B) provide necessary parent training to assist parents in understanding the choices they have for their children's education; and

''(C) at a minimum, provide parents with the following information—

''(i) curriculum and any options available to their children regarding their program of study;

''(ii) full disclosure of the purpose of assessments, their results, and the appropriate uses of assessment scores, as described by the publishers of the test; and

''(iii) complete information about school policies and disciplinary procedures.

''(2) GRANTS TO ASSIST PARENTS OF LIMITED ENGLISH PROFICIENT STUDENTS WITH THEIR EDUCATIONAL NEEDS.—In awarding grants under subparagraph (a)(1)(B), the Secretary shall support programs that—

''(A) provide parents of limited English proficient students educational services, such as English as a second language classes, literacy programs, introduction to the education system, and civics education; and

''(B) provide information on their children's educational programs and their rights to participate in educational decisions involving their children.

**''SEC. 7162. APPLICATIONS.**

''Any consortia wishing to apply for a grant under this subpart shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

**''SEC. 7163. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated $20,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this subpart, of which 50 percent shall be used for grants under section 7161(a)(1)(A), and 50 percent shall be available for grants under section 7161(a)(1)(B).''.

(b) CONFORMING AMENDMENTS.—Subpart 4 of title XII is redesignated as subpart 5.

**SEC. 323. TRANSITION.**

Subpart 5 of part A of title VII (as redesignated by section 222(b)) is amended to read as follows:

**''Subpart 5—Transition**

**''SEC. 7171. TRANSITION.**

''Notwithstanding any other provision of law, a recipient of a grant under subpart 1 of part A of this title that is in its 3rd or 4th year of that grant on the day preceding the date of the enactment of the Access to Excellence in Education for the 21st Century Act shall be eligible to receive continuation funding under the terms and conditions of the original grant.''.

**SEC. 324. FINDINGS OF EMERGENCY IMMIGRANT EDUCATION PROGRAM.**

Section 7301(a) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by adding at the end the following new paragraph:

''(4) an increasing number of immigrant children are entering United States' schools with interrupted or little previous schooling; and''.

**SEC. 325. STATE ADMINISTRATIVE COSTS.**

Section 7302 is amended by inserting a comma and ''or 2 percent if the State educational agency distributes funds received under this part to local educational agencies on a competitive basis,'' after ''1.5 percent of the amount''.

**SEC. 326. DEFINITIONS.**

Section 7501 is amended by striking paragraph (15) and inserting a new paragraph to read as follows:

''(15) RECLASSIFICATION RATE.—The term 'reclassification rate' means the annual percentage of limited English proficient students who have met the State criteria for no longer being considered limited English proficient.''.

**SEC. 327. REGULATIONS, PARENTAL NOTIFICATION, AND USE OF PARAPROFESSIONALS.**

Section 7502 is amended—

(1) by amending the section heading to read as follows: ''REGULATIONS, PARENTAL NOTIFICATION, AND USE OF PARAPROFESSIONALS'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A), by striking ''youth participating in'' and inserting ''youth who will participate in''; and

(ii) in subparagraph (C)—

(I) in the matter before clause (i), by striking ''goals of the bilingual education or special alternative instructional program'' and inserting ''goals of the program related to the education of children and youth with limited English proficiency''; and

(II) in clause (i), by striking ''results of the bilingual educational program and of the instructional alternatives'' and inserting ''results of the instructional programs related to the education of children and youth with limited English proficiency''; and

(B) in paragraph (2)—

(i) by amending the paragraph heading to read ''OPTION TO WITHDRAW.—''; and

(ii) by amending subparagraph (A) to read as follows:

''(A) A recipient of funds under subpart 1 of part A shall also provide a written notice to parents of children who will participate in the programs under that subpart, in a form and language understandable to the parents, that informs them that they may withdraw their child from the program at any time.''; and

(3) by adding a new subsection (c) to read as follows:

''(c) USE OF PARAPROFESSIONALS.—The provisions of section 1119(c) of this Act shall apply to all new staff hired to provide academic instruction in programs supported under subpart 1 of part A of this title on or after the date of the enactment of the Access to Excellence in Education for the 21st Century Act, except that paraprofessionals possessing a high school diploma may be used for the purposes of non-instructional communication, if there are no other qualified personnel, as described in section 1119(c), who are able to provide such communication.''.

**SEC. 328. TERMINOLOGY.**

(a) PART A.—Subparts 1 and 2 of part A of title VII are amended by striking ''bilingual education or special alternative instruction programs'' and ''bilingual education or special alternative instructional programs'' each place they appear and inserting ''instructional programs''.

(b) PART E.—Section 7501(6) is amended by striking ''a bilingual education and special alternative instructional program'' and inserting ''an instructional program''.

**SEC. 329. REPEALS.**

(a) REPEALS IN PART A.—Sections 7112, 7117, 7120, and 7121 are repealed.

(b) REPEAL OF PART B.—Part B of title VII is repealed.

**SEC. 330. REDESIGNATIONS AND CONFORMING AMENDMENTS.**

(a) PART REDESIGNATIONS.—Parts C, D, and E of title VII are redesignated as parts B, C, and D, respectively.

(b) SECTION REDESIGNATIONS.—Sections 7113, 7114, 7115, 7116, 7118, 7122, 7123, 7124, 7131, 7132, 7133, 7134, 7135, 7136, 7141, 7142, 7143, 7144, 7145, 7146, 7148, 7149, 7150, 7161, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7401, 7402, 7403, 7404, 7405, 7501, and 7502 are redesignated as sections 7112, 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7121, 7122, 7123, 7124, 7125, 7126, 7131, 7132, 7133, 7134, 7135, 7136, 7137, 7138, 7139, 7141, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7208, 7209, 7301, 7302, 7303, 7304, 7305, 7401, and 7402, respectively.

(c) CONFORMING AMENDMENTS.—

(1) Section 7111 is amended by striking ''7114, and 7115'' and inserting ''and 7114''.

(2) Section 7112(b)(1)(A), as redesignated by subsection (b), is amended by striking ''section 7116'' and inserting ''section 7115''.

(3) Section 7113(b)(1)(A), as redesignated by subsection (b), is amended by striking ''section 7116'' and inserting ''section 7115''.

(4) Section 7114(b)(1)(A), as redesignated by subsection (b), is amended by striking ''section 7116'' and inserting ''section 7115''.

(5) Section 7115(g)(2), as redesignated by subsection (b), is amended by striking ''section 7114 or 7115'' and inserting ''section 7113 or 7114''.

(6) Section 7135(a)(3), as redesignated by subsection (b), is amended by striking ''section 7149'' and inserting ''section 7138''.

(7) Section 7202 as redesignated by subsection (b), is amended by striking ''section 7304'' and inserting ''section 7204''.

(8) Section 7204, as redesignated by subsection (b), is amended—

(A) in subsection (a), by striking ''section 7301(b)'' and inserting ''section 7201(b)''; and

(B) in subsection (e)(2), by striking ''section 7307'' and inserting ''section 7207''.

(9) Section 7205(a), as redesignated by subsection (b), is amended—

(A) in paragraph (2), by striking ''sections 7301 and 7307'' and inserting ''sections 7201 and 7207'';

(B) in paragraph (4), by—

(i) striking ''section 7304(e)'' and inserting ''sections 7204(e)''; and

(ii) striking ''section 7304(b)(1)'' and inserting ''section 7204(b)(1)''; and

(C) in paragraph (8), by striking ''section 7304'' and inserting ''section 7204''.

(10) Section 7206, as redesignated by subsection (b), is amended—

(A) in subsection (a)—

(i) by striking ''section 7305'' and inserting ''section 7205''; and

(ii) by striking ''section 7305'' and inserting ''section 7205''; and

(B) in subsection (b), by striking ''section 7305(a)(7)'' and inserting ''section 7205(a)(7)''.

(11) Section 7305(d)(2), as redesignated by subsection (b), is amended by striking ''section 7134'' and inserting ''section 7124''.

H.R. 2

OFFERED BY: MR. HINOJOSA

AMENDMENT NO. 26: After section 134 of the bill, insert the following:

**SEC. 135. NATIONAL PARENT ADVISORY COUNCIL.**

Part C of title I (20 U.S.C. 6391 et seq.) is amended by—

(1) redesignating section 1309 as section 1310; and

(2) inserting after section 1308 the following:

**''SEC. 1309. NATIONAL PARENT ADVISORY COUNCIL.**

''(a) IN GENERAL—A National Parent Advisory Council (hereafter in this section referred to as the ''Advisory Council'') shall be established to advise the Secretary on the implementation of programs under this part and coordination with other programs serving migratory children and families.

''(b) MEMBERSHIP.—The Advisory Council shall include a minimum of 10 geographically representative parent members and 5 others members appointed by the Secretary, in consultation with State education agencies, State and local parent advisory councils, local operating agencies, the National Association for Migrant Education, the National Association for State Directors of Migrant Education, and other interested parties.

''(c) COMPENSATION AND EXPENSES.—

''(1) Members of the Advisory Council who are officers or full time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States; but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

''(2) Members of the Advisory Council who are not officers or full-time employees of the United States may each receive reimbursement for travel expenses incident to attending Advisory Council meetings, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.''.

H.R. 2

OFFERED BY: MR. HINOJOSA

AMENDMENT NO. 27: Strike section 134 of the bill and insert the following:

**SEC. 134. ESTABLISHING THE VITAL INFORMATION CHANNEL.**

Section 1308(b) (20 U.S.C. 6398(b)) is amended to read as follows:

''(b) VITAL INFORMATION CHANNEL.—

''(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Student Results Act of 1999, after consultation with the States receiving funds under this part, local operating agencies, the National Parent Advisory Council, the Office of Migrant Health, the National Association of State Boards of Education, the National Association of Secondary School Principals, the National Association for State Directors of Migrant Education, the National Association for Migrant Education, and other parties as deemed appropriate by the Secretary, the Secretary shall publish a notice in the Federal Register seeking public comment on a proposed set of vital information elements that shall include the following:

''(A) The essential educational and health information on migratory children which shall be maintained by each State in order to make such information available when needed in any other State.

''(B) The establishment of nationally accepted standards for timeliness, accuracy, and authentication of such information, including validation of full and partial credits for high school courses.

''(2) LIST OF MINIMUM DATA ELEMENTS.—Not later than 1 year after the date of the enactment of the Student Results Act of 1999, the

Secretary shall publish in the Federal Register the list of minimum data elements that each State receiving funds under this part shall be required to collect and maintain.

''(3) DEVELOPMENT, IMPLEMENTATION, AND OPERATION OF CHANNEL.—After publication of the list described in paragraph (2), the Secretary shall enter into a contract for the development, implementation, and operation of a vital information channel. This channel shall be operational not later than 2 years after the date of the enactment of the Student Results Act of 1999 and shall provide electronic access to, and consolidation of, the essential data on migratory children.

''(4) RESERVATION.—For development of nationally accepted standards under paragraph (1)(B), and the vital information channel under paragraph (3), the Secretary is authorized to reserve $1,000,000 from the amount made available to carry out this part for each of fiscal years 2000 and 2001. For operation of the vital information channel, the Secretary is authorized to reserve from the amount made available to carry out this part such sums as may be necessary for fiscal years after 2001.

''(5) ADDITIONAL RESERVATION.—The Secretary may reserve the amount of $2 per migratory child from the annual grant award to any State under this part if the State uses the vital information channel to maintain its data.

''(6) ELECTRONIC DATA INTERFACE.—Each State shall be responsible for providing the electronic data interface, if necessary, to link its student data base to the vital information channel.''.

H.R. 2

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 28: In section 1611(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, before the period, insert the following: ''so that more than 95 percent of the funds allocated under this title are used to improve the academic achievement of children in the classroom''.

At the end of section 1002(h) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 103 of the bill strike the quotation marks and the period at the end, and insert the following:

''(4) DOLLARS TO THE CLASSROOM.—States may uses funds reserved under paragraph (1) to reduce and facilitate paperwork reporting requirements, to improve electronic data reporting, or to improve the accounting of funds to the school level, to ensure that not more than 4 percent of the amounts made available to local educational agencies under this title are spent for administrative purposes.''.

H.R. 2

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 29: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

**''SEC. 1612. STUDY AND REPORT BY SECRETARY ON IDENTIFICATION AND TREATMENT OF CHILDREN WITH DYSLEXIA IN KINDERGARTEN THROUGH 3D GRADE.**

''(a) STUDY.—The Secretary, in consultation with the National Academy of Sciences, shall conduct a study on methods for identifying and treating children with dyslexia in kindergarten through 3d grade. In carrying out the study, the Secretary shall consider—

''(1) whether there is a biological basis for dyslexia;

''(2) whether dyslexia is caused by—

''(A) a brain-based phonological deficit that prevents an individual from breaking down written words into component sounds;

''(B) post-natal experience, including inadequate instruction; or

''(C) a combination thereof; and

''(3) the cost of implementing a program on a nationwide basis to identify and treat children with dyslexia in kindergarten through 3d grade.

''(b) REPORT.—Not later than 120 days after the date of the enactment of the Student Results Act of 1999, the Secretary shall prepare and submit to the Congress a report containing the results of the study conducted under subsection (a).

H.R. 2

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 30: Add at the end of the bill the following new title:

**TITLE IX—HOLOCAUST EDUCATION**

**SEC. 901. HOLOCAUST EDUCATION.**

Title X of the Act is amended by adding at the end the following:

**''PART L—HOLOCAUST EDUCATION**

**''SEC. 10994. SHORT TITLE.**

''This part may be cited as the 'Holocaust Education Assistance Act'.

**''SEC. 10995. FINDINGS AND PURPOSES.**

''(a) FINDINGS.—The Congress makes the following findings:

''(1) The Holocaust was an historical event that resulted in the systemic, state-sponsored mass murders by Nazi Germany of 6,000,000 Jews, along with millions of others, in the name of racial purity.

''(2) Six States (California, Florida, Illinois, Massachusetts, New Jersey, and New York) now mandate that the Holocaust be taught in the educational curriculum, and 10 States (Connecticut, Georgia, Indiana, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Washington) recommend teaching the Holocaust but do not provide sufficient funds to assist in the training and educating of teachers.

''(3) The Holocaust is a sensitive and difficult issue about which to teach, and to do so effectively, educators need appropriate teaching tools and training to increase their knowledge to enhance the educational experience.

''(b) PURPOSES.—The purposes of this part are the following:

''(1) To educate Americans so that they can—

''(A) explore the lessons that the Holocaust provides for all people; and

''(B) be less susceptible to the falsehood of Holocaust denial and to the destructive messages of hate that arise from Holocaust denial.

''(2) To provide resources and support for education programs that—

''(A) portray accurate historical information about the Holocaust;

''(B) sensitize communities to the circumstances that gave rise to the Holocaust;

''(C) convey the lessons that the Holocaust provides for all people; and

''(D) by developing curriculum guides and providing training, help teachers incorporate into their mainstream disciplines the study of the Holocaust and its lessons.

**''SEC. 10996. AUTHORITY TO MAKE GRANTS.**

''From any amounts made available to carry out this part, the Secretary may make grants under this part to educational organizations to carry out proposed or existing Holocaust education programs.

**''SEC. 10997. USE OF GRANT AMOUNTS.**

''(a) IN GENERAL.—An educational organization receiving grant amounts under this part shall use such grant amounts only to carry out the Holocaust education program for which the grant amounts were provided.

''(b) REQUIREMENTS.—An educational organization receiving grant amounts under this part shall comply with the following requirements:

''(1) CONTINUATION OF ELIGIBILITY.—The educational organization shall, throughout the period that the educational organization receives and uses such grant amounts, continue to be an educational organization.

''(2) SUPPLEMENTATION OF EXISTING FUNDS.—The educational organization shall ensure that such grant amounts are used to supplement, and not supplant, non-Federal funds that would otherwise be available to the educational organization to carry out the Holocaust education program for which the grant amounts were provided.

''(c) ADDITIONAL CONDITIONS.—The Secretary may require additional terms and conditions in connection with the use of grant amounts provided under this part as the Secretary considers appropriate.

**''SEC. 10998. SELECTION CRITERIA.**

''(a) IN GENERAL.—The Secretary shall award grant amounts under this part in accordance with competitive criteria to be established by the Secretary.

''(b) CONSULTATION WITH HOLOCAUST EDUCATORS.—In establishing the competitive criteria under subsection (a), the Secretary shall consult with a variety of individuals, to be determined by the Secretary, who are prominent educators in the field of Holocaust education.

**''SEC. 10999. APPLICATION.**

''The Secretary may award grant amounts under this part only to an educational organization that has submitted an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

**''SEC. 10999A. REVIEW AND SANCTIONS.**

''(a) ANNUAL REVIEW.—The Secretary shall review at least annually each educational organization receiving grant amounts under this part to determine the extent to which the educational organization has complied with the provisions of this part.

''(b) IMPOSITION OF SANCTIONS.—The Secretary may impose sanctions on an educational organization for any failure of the educational organization to comply substantially with the provisions of this part. The Secretary shall establish the sanctions to be imposed for a failure to comply substantially with the provisions of this part.

**''SEC. 10999B. ANNUAL REPORT.**

''Not later than February 1 of each year, the Secretary shall submit to the Senate and House of Representatives a report describing the activities carried out under this part and containing any related information that the Secretary considers appropriate.

**''SEC. 10999C. CONTRACTING WITH OTHER ENTITIES.**

''Nothing in this part shall preclude an educational organization from contracting with other entities to assist the educational organization with the Holocaust education program.

**''SEC. 10999D. DEFINITIONS.**

''For purposes of this part, the following definitions shall apply:

''(1) EDUCATIONAL ORGANIZATION.—The term 'educational organization' means a local educational agency as defined in section 1401.

''(2) HOLOCAUST EDUCATION PROGRAM.—The term 'Holocaust education program' means a program that—

''(A) has as its specific and primary purpose to improve awareness and understanding of the Holocaust; and

''(B) to achieve such purpose, furnishes one or more of the following:

''(i) classes, seminars, or conferences.

''(ii) educational materials.

''(iii) teacher training.

''(iv) any other good or service designed to improve awareness and understanding of the Holocaust.

''(3) HOLOCAUST.—The term 'Holocaust' means the historical event that resulted in the systemic, state-sponsored mass murders by Nazi Germany of 6,000,000 Jews, along with millions of others, in the name of racial purity.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Education.

**''SEC. 10999E. REGULATIONS.**

''The Secretary shall issue any regulations necessary to carry out this part.

**''SEC. 10999F. AUTHORIZATION OF APPROPRIATIONS.**

''For grants under this part, there is authorized to be appropriated to the Secretary $2,000,000 each fiscal year for five fiscal years, beginning with the first fiscal year to commence after the date of enactment of this Act, to remain available until expended.''.

H.R. 2

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 31: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

**''SEC. 1612. IMPORTANCE OF STRONG READING INSTRUCTION.**

''(a) FINDINGS.—The Congress finds that—

''(1) the ability to read the English language with fluency and comprehension is essential if individuals are to reach their full potential;

''(2) it is a foundational and indisputable fact that written English is based on the alphabetic principle, and is, in fact, a phonetic language;

''(3) more than 50 years of cognitive science, neuroscience, and applied linguistics have confirmed that learning to read is a skill that must be taught in a direct, systematic way;

''(4) phonics instruction is the teaching of a body of knowledge consisting of 26 letters of the alphabet, the 44 English speech sounds they represent, and the 70 most common spellings for those speech sounds;

''(5) most public schools, teachers colleges, and universities do not provide direct, systematic phonics instruction;

''(6) the 1998 National Assessment for Educational Progress (NAEP) has found that 69 percent of 4th grade students are reading below the proficient level;

''(7) more than half of the students being placed in special education programs have not been taught to read;

''(8) the cost of special education, at the Federal, State, and local levels exceeds $60,000,000,000 each year;

''(9) the 1998 NAEP also found that 85 percent of minority 4th grade students, most of whom are in title I programs, are reading below the proficient level;

''(10) Congress has spent more than $120,000,000,000 over the past 30 years in title I alone with the primary purpose of improving reading skills;

''(11) the National Institute of Child Health and Human Development (NICHD) has conducted more than 35 years of extensive scientific research in reading at a cost of more than $200,000,000;

''(12) the NICHD findings on reading instruction conclude that phonemic awareness, direct, systematic instruction in sound-spelling correspondences, blending of sound spellings into words, and comprehension are essential components of any reading program based on scientific research; and

''(13) reading instruction in most schools is still based on the whole language philosophy, often to the detriment of the students.

''(b) SENSE OF CONGRESS.—It is the sense of Congress that direct systematic phonics instruction should be used in all elementary and secondary schools as a first, and essential step in teaching a student to read.

H.R. 2

OFFERED BY: MRS. NAPOLITANO

AMENDMENT NO. 32: In section 1001(a) of the Elementary and Secondary Education Act of 1965, as amended by section 102 of the bill, add at the end the following:

''(7) The requirements of a global, high-technology-oriented economy demand that more emphasis be placed on math and science fundamentals that equip students in kindergarten through grade 12 to meet these challenges and to be better prepared for post-secondary education and the demands of the 21st century job market.

''(8) Recent statistics indicate that only 3.5 percent of Hispanics hold high technology jobs compared to 7.7 percent of non-Hispanic whites. This disparity has grave consequences for Hispanics since future job growth will continue to be generated in the high-wage, high technology sector. This disparity also points to the need for enhanced educational efforts to ensure that all students, particularly minorities and the disadvantaged, are exposed to technology careers and skills.

H.R. 2

OFFERED BY: MRS. NAPOLITANO

AMENDMENT NO. 33: In section 1119A(b)(2) of the Elementary and Secondary Education Act of 1965, as added by section 116 of the bill—

(1) in subparagraph (G), strike ''and'' at the end;

(2) in subparagraph (H), strike the period at the end and insert ''; and''; and

(3) add at the end the following:

''(I) instruction that provides teachers, principals, and guidance counselors with innovative, culturally appropriate, and linguistically appropriate strategies for—

''(i) working with student populations, including minority students and disadvantaged students, who are underrepresented in careers in mathematics, science, engineering, and technology;

''(ii) fostering and maintaining student interest in such careers and in mathematics and science education; and

''(iii) developing better communication with parents in order that parents may be an integral part of the strategies described in clauses (i) and (ii).

H.R. 2

OFFERED BY: MS. NORTON

AMENDMENT NO. 34: Add at the end of the bill the following new title:

**TITLE IX—UNIVERSAL KINDERGARTEN AND PRE–KINDERGARTEN INCENTIVE ACT**

**SEC. 901. USE OF COMMUNITY LEARNING CENTER FUNDS FOR KINDERGARTEN OR PRE-KINDERGARTEN PROGRAMS.**

Section 10905 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8245) is amended—

(1) by striking ''Grants awarded'' and inserting the following: ''(a) IN GENERAL.—Grants awarded'';

(2) by inserting after ''may be used'' the following: ''to plan, implement, or expand kindergarten or pre-kindergarten programs described in subsection (b) or''; and

(3) by adding at the end the following new subsection:

''(b) KINDERGARTEN AND PRE-KINDERGARTEN PROGRAMS.—A kindergarten or pre-kindergarten program described in this subsection is a program of a community learning center that provides kindergarten and/or pre-kindergarten curriculum and classes for students not yet qualified for the first grade and is taught by teachers who possess equivalent or similar qualifications to teachers of other grades in the school involved.''

Section 10904 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8244) is amended—

(1) by inserting under subsection (a) such section at the end:

''(4) an affirmative statement by the LEA or SEA that upon the expiration of a grant awarded under section 10905(b) of this part (20 U.S.C. 8245(b)), the community learning center will continue to be funded and operate such a program, unless experience demonstrates that such a program is not feasible.''

**SEC. 902. OTHER FEDERAL FUNDS.**

Title X, Part I of the Elementary and Secondary Education Act is amended—

(1) by inserting ''**Sec. 10908 Other Federal Funds.**

(a) Nothing contained in this part may be construed to cause the diminution of other federal funds available.

(b) Funds received under Section 10905(b) may be used in conjunction with other federal funds awarded.''

H.R. 2

OFFERED BY: MR. OWENS

AMENDMENT NO. 35: In section 103(a) of the bill, in the matter proposed to be inserted in section 1002(a) of the Elementary and Secondary Education Act of 1965, strike ''8,350,000,000'' and insert ''11,135,000,000''.

After section 125 of the bill, insert the following:

**SEC. 126. EMERGENCY FUNDS.**

Part A is amended by adding at the end the following:

**''SEC. 1128. EMERGENCY FUNDS.**

''Notwithstanding any other provision under this part, the Secretary shall allocate not less than 25 percent of the amount of funds authorized under section 1002(a) in the same manner as funds are allocated to local educational agencies under 1125 to eliminate health and safety hazards and increase wiring capabilities in schools for security and technology purposes.''.

H.R. 2

OFFERED BY: MR. OWENS

AMENDMENT NO. 36: In section 103(a) of the bill, in the matter proposed to be inserted in section 1002(a) of the Elementary and Secondary Education Act of 1965, strike ''8,350,000,000'' and insert ''9,278,000,000''.

After section 125 of the bill, insert the following:

**SEC. 126. EMERGENCY FUNDS.**

Part A is amended by adding at the end the following:

**''SEC. 1128. EMERGENCY FUNDS.**

''(a) IN GENERAL.—Notwithstanding any other provision under this part, the Secretary shall allocate not less than 10 percent of the amount of funds authorized under section 1002(a) in the same manner as funds are allocated to local educational agencies under 1125 for grants to local educational agencies for comprehensive staff training programs for personnel responsible for educational technology programs.

''(b) PLAN.—A local educational agency that desires to receive a grant under this section shall submit to the Secretary a comprehensive plan for implementation of the programs described in subsection (a). The plan shall include provisions for initiatives to coordinate the efforts of the public and private sectors to train personnel responsible for educational technology programs.''.

H.R. 2

OFFERED BY: MR. OWENS

AMENDMENT NO. 37: In section 103(a) of the bill, in the matter proposed to be inserted in

section 1002(a) of the Elementary and Secondary Education Act of 1965, strike ''8,350,000,000'' and insert ''9,825,500,000''.

After section 125 of the bill, insert the following:

**SEC. 126. EMERGENCY FUNDS.**

Part A is amended by adding at the end the following:

**''SEC. 1128. EMERGENCY FUNDS.**

''(a) IN GENERAL.—Notwithstanding any other provision under this part, the Secretary shall allocate not less than 15 percent of the amount of funds authorized under section 1002(a) in the same manner as funds are allocated to local educational agencies under 1125 for grants to local educational agencies to provide incentive scholarships to paraprofessionals employed by the agency who are described in subsection (b).

''(b) PARAPROFESSIONALS DESCRIBED.—A paraprofessional described in this subsection is a paraprofessional who—

''(1) is working in a program supported with funds under this title; and

''(2) has been accepted for enrollment by, or is enrolled in, a course of study at an institution of higher education that will lead to an associate's or bachelor's degree.''.

H.R. 2

OFFERED BY: MR. PAYNE

AMENDMENT NO. 38: Strike title VIII of the bill.

H.R. 2

OFFERED BY: MR. PAYNE

AMENDMENT NO. 39: In heading for title VI of the bill, after ''**RURAL**'' insert ''**AND URBAN**''.

In the heading for section 601 of the bill, after ''**RURAL**'' insert ''**AND URBAN**''.

In the heading for part J of title X of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 601 of the bill, after ''**RURAL**'' insert ''**AND URBAN**''.

In section 10951 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 601 of the bill, after ''Rural'' insert ''and Urban''.

At the end of section 601 of the bill, insert the following:

**''Subpart 4—Urban Education Initiative''.**

**''SEC. 10985A. SHORT TITLE.**

''This subpart may be cited as the 'Eliminating Educational Disparities and Promoting Learning for Urban Students Act of 1999'.

**''SEC. 10985B. FINDINGS.**

''The Congress finds that—

''(1) the ability of the Nation's major urban public school systems to meet the Nation's educational goals will substantially determine the country's economic competitiveness and academic standing in the world community;

''(2) the quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's cities;

''(3) the success of urban public schools in accelerating the achievement of its youth attending such schools will determine the ability of the Nation to close the gap between the 'haves and the have-nots' in society;

''(4) the cost to America's businesses to provide remedial education to high school graduates is approximately $21,000,000,000 per year;

''(5) approximately one-third of the Nation's workforce will be members of minority groups by the year 2000;

''(6) urban schools enroll a disproportionately large share of the Nation's poor and 'at-risk' youth;

''(7) urban schools enroll over one-third of the Nation's poor, 40 percent of the Nation's African American children, and 30 percent of the Nation's Hispanic youth;

''(8) nearly 40 percent of the Nation's limited-English-proficient children and 15 percent of the Nation's disabled youth are enrolled in urban public schools;

''(9) the National Assessment of Educational Progress shows substantial achievement gaps between urban and nonurban students, whether enrolled in schools located in high or low poverty areas;

''(10) urban school children have begun to narrow the achievement gap in reading according to the recent Reading Report Card issued by the National Assessment of Educational Progress;

''(11) the National Assessment of Educational Progress reports show substantial achievement gaps between white students and African-American and Hispanic students;

''(12) African-American and Hispanic school children have begun to narrow the achievement gap in reading according to the recent Reading Report Card issued by National Assessment of Educational Progress;

''(13) the dropout rate for urban students is more than 50 percent higher than the national dropout rate;

''(14) urban preschoolers have one-half the access to early childhood development programs as do other children;

''(15) teacher shortages and teacher turnover in urban public school systems are substantially greater than in nonurban school systems, particularly in mathematics and science;

''(16) urban public school systems have less parental involvement, and greater problems with health care, teenage pregnancy, truancy and discipline, drug abuse, and gangs than do other kinds of school systems;

''(17) urban school buildings are in more serious disrepair according to the General Accounting Office than facilities in other kinds of school systems with 75 percent of urban public school buildings over 25 years old, 33 percent of such buildings over 50 years old, which create poor and demoralizing working and learning conditions;

''(18) solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

''(19) Federal and State funding of urban public schools has not adequately reflected need; and

''(20) Federal funding that is well-targeted, flexible, and accountable will contribute significantly to addressing the comprehensive needs of inner-city public schools and school children.

**''SEC. 10985C. PURPOSE.**

''It is the purpose of this subpart to provide financial assistance to develop, demonstrate, and disseminate educational policies, strategies, and practices in central city schools with high concentrations of students from racial and language minority groups that will significantly improve the academic achievement of an entire school, and narrow or overcome educational disparities between groups of minority and nonminority students, and between urban and nonurban public school students.

**''SEC. 10985D. URBAN SCHOOL GRANTS.**

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to eligible local educational agencies serving an urban area or State educational agencies in the case where the State educational agency is the local educational agency for activities designed to assist schools with high concentrations of students from racial and language minority groups improve schoolwide academic achievement with particular attention to narrowing or overcoming disparities in achievement scores and school completion (1) between minority and nonminority group students; and (2) between urban and nonurban public school students.

''(b) AUTHORIZED ACTIVITIES.—(1) Funds under this section may be used for activities designed—

''(A) to increase the academic achievement of urban public school children and narrow or overcome the achievement gap between urban and nonurban students;

''(B) to increase the academic achievement of students who are members of racial and language minority groups and narrow or overcome the achievement gap between minority and nonminority group students

''(C) to increase the graduation rates of urban public school students and reduce the dropout rates of urban students, particularly students who are members of minority groups;

''(D) to recruit and retain qualified teachers;

''(E) to facilitate effective parental and community involvement;

''(F) to provide for ongoing staff development to increase the professional capacities of the school leadership, instructional staff and other support services personnel;

''(G) to plan, develop, operate, or expand programs and activities that are designed to assist urban public schools in meeting the National Education Goals; and

''(H) to document, evaluate, and disseminate the results of such activities as required under section 10985G.

''(2) Activities conducted under paragraph (1) shall demonstrate policies, strategies, and practices that hold the promise of effectively addressing the educational disparities identified in subparagraphs (A), (B), and (C) of paragraph (1), such as—

''(A) enrollment in rigorous courses and early completion of gatekeeper courses;

''(B) delivery of instruction by experienced and effective teachers;

''(C) reduced class size;

''(D) increased emphasis on reading in the early grades;

''(E) data-driven instructional design and early identification and intervention with at-risk students;

''(F) extended learning time, including extended school day, extended school year, Saturday school, and summer school;

''(G) establishing annual achievement goals tied to rigorous content and performance standards;

''(H) school-based improvement planning and accountability, and the provision of extended professional development, and ongoing technical assistance and support; and

''(I) increased parental involvement and community involvement including mentoring programs,

''(3) Authorized activities shall be carried out in a school or schools of a feeder system with high concentrations of students from racial and language minority groups within the eligible agency.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—An urban eligible local educational agency desiring to receive a grant under this section shall submit an application to the Secretary containing a plan describing activities under subsection (b) at such time, in such manner, and accompanied by such information as the Secretary may reasonably require to determine that the application is of sufficient size, scope, and quality to meet the purposes this subpart.

''(2) DURATION.—An application submitted pursuant to paragraph (1) may be for a period of not more than five years.

''(d) PAYMENTS.—The Secretary shall make an award only to urban eligible local educational agencies that—

''(1) comply with the provisions of section 10985G; and

''(2) demonstrate to the satisfaction of the Secretary that the data submitted pursuant to section 10985G shows progress toward meeting National Education Goals and the purposes of this subpart.

''(e) ADMINISTRATIVE COSTS.—Not more than five percent of any award made under this subpart may be used for administrative costs.

''(f) FEDERAL FUNDS TO SUPPLEMENT NOT SUPPLANT NON-FEDERAL FUNDS.—An eligible local educational agency may use funds received under this subpart only to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in activities assisted under this subpart, and in no such case may such funds be used to supplant funds from non-Federal sources.

**''SEC. 10985E. ALLOCATIONS.**

''In making awards from amounts appropriated under this subpart, the Secretary shall allocate amounts directly to each urban eligible local educational agency on the basis of the relative number of children counted under section 1124(c) of this Act in such agencies as determined by the Secretary using the most recent satisfactory data.

**''SEC. 10985F. COORDINATION.**

''Each local educational agency receiving assistance under this subpart shall carry out activities, to the extent feasible and appropriate, in coordination with other programs funded this Act. Such agency may request directly from the Secretary under the appropriate provisions of section 14401 the waiver of requirements in such programs that would inhibit such coordination and the effective implementation of the activities required under this subpart.

**''SEC. 10985G. EVALUATION AND DISSEMINATION.**

''(a) IN GENERAL.—Each local educational agency receiving assistance under this subpart shall select an independent evaluator to assist the agency in designing and implementing an evaluation plan that documents and analyzes the effectiveness of the demonstrated activities.

''(b) LIMITATION.—A local educational agency shall expend no more than two percent of funds awarded by the Secretary for activities under section 10985D(b)(1)(H).

''(c) PROJECT MODIFICATIONS.—A local educational agency shall modify, not less than every two years, activities supported under this subpart based on the results of information gathered under subsection (a), and discontinue practices that do not promise to produce significant results; and

''(d) DISSEMINATION ACTIVITIES.—Each local educational agency receiving assistance under this subpart shall design and implement appropriate dissemination activities to distribute information on effective policies, strategies and practices that have been demonstrated by the project.

**''SEC. 10985H. DEFINITIONS.**

''Except as otherwise provided, for the purposes of this subpart:

''(1) CENTRAL CITY.—The term 'central city' has the same meaning used by the Bureau of the Census.

''(2) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' has the same meaning used by the Bureau of the Census.

''(3) POVERTY LEVEL.—The term 'poverty level' means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

''(4) URBAN ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'urban eligible local educational agency' means a local educational agency that—

''(A) serves the largest central city in a State;

''(B) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

''(C) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

**''SEC. 10985I. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated $250,000,000 for fiscal year 2000, and such sums as may be necessary for each of the four succeeding fiscal years for the purpose of carrying out this subpart.''.

H.R. 2

OFFERED BY: MR. PETRI

AMENDMENT NO. 40: In section 1111(b)(1)(C) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike ''mathematics and reading or language arts,'' and insert ''mathematics, reading or language arts, and science,''.

In section 1111(b)(4) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike ''mathematics and reading or language arts,'' and insert ''mathematics, reading or language arts, and science,''.

In section 1111(h)(2)(A)(i) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike ''reading or language arts and mathematics,'' and insert ''mathematics, reading or language arts, and science,''.

At the end of section 105 of the bill—

(1) strike the quotation marks and the final period; and

(2) insert the following:

''(i) SPECIAL RULE ON SCIENCE STANDARDS AND ASSESSMENTS.—Notwithstanding subsections (b) and (h), no State shall be required to meet the requirements under this title relating to science standards or assessments until the beginning of the 2005–2006 school year.''.

H.R. 2

OFFERED BY: MR. PETRI

AMENDMENT NO. 41: After section 1128 of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 126 of the bill, insert the following:

**SEC. 127. ESTABLISHMENT OF PILOT CHILD CENTERED PROGRAMS.**

Part A of title I is amended by adding at the end the following:

**''Subpart 3—Pilot Child Centered Program**

**''SEC. 1131. DEFINITIONS.**

''In this subpart:

''(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

''(A) is an eligible child under this part; and

''(B) the State or participating local educational agency elects to serve under this subpart.

''(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term 'participating local educational agency' means a local educational agency that elects under section 1132 to carry out a child centered program under this subpart.

''(3) SCHOOL.—The term 'school' means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

''(4) EDUCATION SERVICES.—The term 'education services' means services intended—

''(A) to meet the individual educational needs of eligible children; and

''(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

''(5) TUTORIAL ASSISTANCE PROVIDERS.—The term 'tutorial assistance provider' means a public or private entity that—

''(A) has a record of effectiveness in providing tutorial assistance to school children; or

''(B) uses instructional practices based on scientific research.

**''SEC. 1132. CHILD CENTERED PROGRAM FUNDING.**

''(a) FUNDING.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall grant to the first 10 States that meet the requirements of paragraph (2) the authority to use funds made available under subparts 1 and 2, to carry out a child centered program under this subpart on a Statewide basis or to allow local educational agencies in such State to elect to carry out such a program on a districtwide basis.

''(2) REQUIREMENTS.—To be eligible to participate in a program under this subpart, a State shall provide to the Secretary a request to carry out a child centered program and certification of approval for such participation from the State legislature and Governor.

''(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—If a State does not carry out a child centered program under this subpart, but allows local educational agencies in the State to carry out child centered programs under this subpart, the Secretary shall provide the funds that a participating local educational agency is eligible to receive under subparts 1 and 2 directly to the local educational agency to enable the local educational agency to carry out the child centered program.

**''SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.**

''(a) USES.—Under a child centered program—

''(1) the State or participating local educational agency shall establish a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

''(2) the State or participating local educational agency may vary the per pupil amount to take into account factors that may include—

''(A) variations in the cost of providing education services in different parts of the State or the school district served by the participating local educational agency;

''(B) the cost of providing services to pupils with different educational needs; or

''(C) the desirability of placing priority on selected grades; and

''(3) the State or the participating local educational agency shall make available a certificate for the per pupil amount determined under paragraphs (1) and (2) to the parent or legal guardian of each eligible child, which certificate shall be used for education services for the eligible child that are—

''(A) subject to subparagraph (B), provided by the child's school, directly or through a contract for the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

''(B) if requested by the parent or legal guardian of an eligible child, purchased from a tutorial assistance provider, or another public or private school, selected by the parent or guardian.

**"SEC. 1134. ADMINISTRATIVE PROVISIONS.**

''The per pupil amount provided under this subpart for an eligible child shall not be treated as income of the eligible child or the parent of the eligible child for purposes of Federal tax laws, or for determining the eligibility for or amount of any other Federal assistance.

**"SEC. 1135. LIMITATION ON CONDITIONS; PREEMPTION.**

Nothing in this subpart shall be construed to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions.''.

H.R. 2

OFFERED BY: MR. PETRI

AMENDMENT NO. 42: After section 1128 of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 126 of the bill, insert the following:

**SEC. 127. ESTABLISHMENT OF PILOT CHILD CENTERED PROGRAMS.**

Part of title I is amended by adding at the end the following:

**"Subpart 3—Pilot Child Centered Program**

**"SEC. 1131. DEFINITIONS.**

''In this subpart:

''(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

''(A) is an eligible child under this part; and

''(B) the State or participating local educational agency elects to serve under this subpart.

''(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term 'participating local educational agency' means a local educational agency that elects under section 1132 to carry out a child centered program under this subpart.

''(3) SCHOOL.—The term 'school' means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

''(4) EDUCATION SERVICES.—The term 'education services' means services intended—

''(A) to meet the individual educational needs of eligible children; and

''(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

''(5) TUTORIAL ASSISTANCE PROVIDERS.—The term 'tutorial assistance provider' means a public or private entity that—

''(A) has a record of effectiveness in providing tutorial assistance to school children; or

''(B) uses instructional practices based on scientific research.

**"SEC. 1132. CHILD CENTERED PROGRAM FUNDING.**

''(a) FUNDING.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall grant to the first 10 States that meet the requirements of paragraph (2) the authority to use funds made available under subparts 1 and 2, to carry out a child centered program under this subpart on a Statewide basis or to allow local educational agencies in such State to elect to carry out such a program on a districtwide basis.

''(2) REQUIREMENTS.—To be eligible to participate in a program under this subpart, a State shall provide to the Secretary a request to carry out a child centered program and certification of approval for such participation from the State legislature and Governor.

''(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—If a State does not carry out a child centered program under this subpart, but allows local educational agencies in the State to carry out child centered programs under this subpart, the Secretary shall provide the funds that a participating local educational agency is eligible to receive under subparts 1 and 2 directly to the local educational agency to enable the local educational agency to carry out the child centered program.

**"SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.**

''(a) USES.—Under a child centered program—

''(1) the State or participating local educational agency shall establish a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

''(2) the State or participating local educational agency may vary the per pupil amount to take into account factors that may include—

''(A) variations in the cost of providing education services in different parts of the State or the school district served by the participating local educational agency;

''(B) the cost of providing services to pupils with different educational needs; or

''(C) the desirability of placing priority on selected grades; and

''(3) the State or the participating local educational agency shall make available a certificate for the per pupil amount determined under paragraphs (1) and (2) to the parent or legal guardian of each eligible child, which certificate shall be used for education services for the eligible child that are—

''(A) subject to subparagraph (B), provided by the child's school, directly or through a contract for the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

''(B) if requested by the parent or legal guardian of an eligible child, purchased from a tutorial assistance provider, or another public or private school, selected by the parent or guardian.

**"SEC. 1134. LIMITATION ON CONDITIONS; PREEMPTION.**

Nothing in this subpart shall be construed to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions.''.

H.R. 2

OFFERED BY: MR. ROEMER

AMENDMENT NO. 43: In section 1002(a) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 103 of the bill, strike ''$8,350,000,000'' and insert ''$9,850,000,000''.

H.R. 2

OFFERED BY: MR. ROEMER

AMENDMENT NO. 44: In section 1119(g)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 115 of the bill, strike ''may use such funds'' and insert ''shall use not less than 5 percent of such funds and funds made available under title II''.

In section 1119A(b)(1) of the Elementary and Secondary Education of 1965, as proposed to be amended by section 116 of the bill—

(1) in subparagraph (A), after ''teachers,'' insert ''paraprofessionals,''; and

(2) in subparagraph (H), after ''teachers,'' insert ''paraprofessionals,''.

In section 1119A(a)(2)(B) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 116 of the bill, after ''teachers,'' insert ''paraprofessionals,''.

H.R. 2

OFFERED BY: MS. SANCHEZ TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GOODLING

AMENDMENT NO. 45: Page I–A–6, after line 5, insert the following (and redesignate any subsequent provisions accordingly):

(f) PART E AUTHORIZATION.—Section 1002(g)(2) (20 U.S.C. 6302(g)(2)) is amended to read as follows:

''(2) SECTIONS 1502, 1502A, AND 1503.—For the purposes of carrying out sections 1502, 1502A, and 1503 (Innovative Elementary School Transition Projects), there are authorized to be appropriated $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which not less than $50,000,000 shall be available for each fiscal year to carry out section 1502A.''.

Add at the end of the bill the following:

**SEC. ___. LOCAL FAMILY INFORMATION CENTERS.**

(a) CENTERS ESTABLISHED.—Part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) is amended by adding at the end the following:

**"SEC. 1502A. LOCAL FAMILY INFORMATION CENTERS.**

''(a) CENTERS AUTHORIZED.—From the amount appropriated under section 1002(g)(2), the Secretary shall provide not less than $50,000,000 to make grants to, and enter into contracts and cooperative agreements with, locally based nonprofit parent organizations to enable the organizations to support Local Family Information Centers that help ensure that parents of students in schools assisted under part A have the training, information, and support the parents need to enable the parents to participate effectively in helping their children to meet challenging standards that have been established for all children.

''(b) DEFINITION OF LOCAL NONPROFIT PARENT ORGANIZATION.—In this section, the term 'local nonprofit parent organization' means a locally-based, private nonprofit organization (other than an institution of higher education) that—

''(1) has a demonstrated track record of working with low income individuals and parents;

''(2)(A) has a board of directors—

''(i) the majority of whom are parents of students in schools that are assisted under part A and located in the in the geographic area to be served by the center; and

(ii) that includes individuals who work in schools that are assisted under part A and located in the geographic area to be served; or

''(B) has—

''(i) as a part of the organization's mission, serving the interests of low-income families in public schools in the geographic area to be served by the center; and

''(ii)(I) a special governing committee to direct and implement the center, a majority of the members of whom are parents of students in schools assisted under part A, which committee shall include one or more individuals working in title I programs in the geographic area to be served by the center; and

''(II) entered into a memorandum of understanding between the special governing committee and the board of directors that clearly outlines the decisionmaking responsibilities and authority of the special governing committee; and

''(3) is located in a community that has schools which receive funds under part A, and is accessible to the families of students in those schools.

''(c) REQUIRED CENTER ACTIVITIES.—Each center assisted under this section shall—

''(1) provide training, information, and support that meets the needs of parents of children in schools assisted under part A who are

served through he grant, contract, or cooperative agreement, particularly underserved parents, low-income parents, parents of students with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for school improvement or corrective action under section 1116;

''(2) help families of students enrolled in a school assisted under part A—

''(A) to understand and effectively carry out their responsibilities under the parent involvement provisions of this Act, including participation in parent compacts, parent involvement policies, and joint decision-making;

''(B) to learn how to effectively participate with schools to create a needs assessment or school improvement plan in accordance with part A;

''(C) to understand all of the provisions of this Act designed to improve the achievement of students in the school;

''(3) provide information in a language and form that parents understand, including taking steps to ensure that underserved parents, low-income parents, parents with limited-English proficiency, parents of students with disabilities, or parents of students in schools identified for school improvement or corrective action, are effectively informed and assisted;

''(4) assist parents to—

''(A) understand State content and student performance standards, State and local assessments, and how schools served under part A are required to help students meet the State standards;

''(B) understand the accountability system in place in the State, and support activities which are likely to improve student achievement in schools assisted under part A;

''(C) communicate effectively with personnel responsible for providing educational services to their child and for planning and implementing policies and programs under part A, in the school and the school district;

''(D) understand and analyze the meaning of data that schools, local educational agencies, and States must provide under the reporting requirements of this Act and other statutes, including State reporting requirements;

''(E) locate and understand appropriate information about the research on ways in which high poverty schools have made real progress in getting all students to meet State standards;

''(F) understand what their child's school is doing to enable students to meet the standards, including understanding the curriculum and instructional methods the school is using to help students meet the standards;

''(G) better understand their child's educational needs, where they are in comparison to State standards, and how the school is addressing the child's education needs;

''(H) participate in—

''(i) decisionmaking processes at the school, school district, and State levels;

''(ii) the development, review, and amendments of school-parent compacts, the school and school district parent involvement policies, and the school plan; and

''(iii) the review of the needs assessment of the school;

''(I) understand the requirements of sections 1114, 1115, and 1116, regarding improved student achievement, and school planning and improvement;

''(J) understand the provisions of other Federal education programs that provide—

''(i) resources and opportunities for the school improvement; or

''(ii) educational resources to individual students, including programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (Gear Up and Federal TRIO programs) and other programs;

''(K) participate in other school reform activities; and

''(L) understand public school choice options available in the local community, including magnet schools, charter schools, and alternative schools;

''(5) provide appropriate training and information to students in schools assisted under part A, to enable them to participate in school compacts and in school reform activities;

''(6) provide information on local parent involvement needs and successes, where appropriate, to teachers and administrators in schools and school districts assisted under part A, and facilitate greater understanding of good parent involvement strategies;

''(7) establish cooperative partnerships with community parent resource centers assisted under sections 682 and 683, respectively, of the Individuals with Disabilities Education Act, and with parental information and resource centers assisted under section 1118(g).

''(8) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support;

''(9) network with appropriate clearinghouses; and

''(10) annually report to the Secretary regarding—

''(A) the number of parents to whom the center provided information and support in the most recently concluded fiscal year;

''(B) the number of parents who participated in training sessions and the average number of parents in training sessions;

''(C) the prior year's training which was held at times and places designed to allow the attendance of the largest number of parents of students in schools assisted under part A who are most likely to have been isolated from other sources of information and training;

''(D) the effectiveness of strategies used to reach and serve parents, including underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for school improvement or corrective action;

''(E) how the center ensured that parents had the skills necessary to participate in their children's education, as outlined in paragraph (4); and

''(F) the information provided to parents by local educational agencies in the geographic area served by the center; and

''(G) other measures, as determined appropriate by the Secretary.

''(c) APPLICATION REQUIREMENTS.—Each local nonprofit parent organization desiring assistance under this section shall submit to the Secretary and application at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

''(1) describe how the organization will use the assistance to help families under this section;

''(2) describe what steps the organization has taken to meet with school district or school personnel in the geographic area to be served by the center in order to inform the personnel of the plan and application for the assistance; and

''(3) identify with specificity the special efforts that the organization will take—

''(A) to ensure that the needs for training and information and support for parents of students in schools assisted under part A, particularly underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for improvement and corrective action, are effectively met; and

''(B) to work with community-based organizations.

''(d) DISTRIBUTION OF FUNDS.—

''(1) ALLOCATION OF FUNDS.—The Secretary shall make at least two awards of assistance under this section to a local nonprofit parent organization in each State, unless the Secretary does not receive at least two applications from such organizations in each State of sufficient quality to warrant providing assistance in the State.

''(2) SELECTION REQUIREMENT FOR LOCAL FAMILY INFORMATION CENTERS.—

''(A) ELIGIBILITY.—In order to be eligible to receive assistance under this part, a center shall serve a geographic area (which may include more than one school districts), having between 15,000 and 25,000 students, 50 percent of whom are eligible for free and reduced price lunch under the National School Lunch Act. The number of students to be served under the preceding sentence may increase, at the discretion of the Secretary, if the area to be served contains only 1 school district and the center has the capacity to effectively serve the entire school district.

''(B) SELECTION.—The Secretary shall select local nonprofit parent organizations in a State to receive assistance under this section in a manner that ensures the provision of the most effective assistance to low-income parents of students in schools assisted under part A that are located in high poverty rural and urban areas in the State, with particular emphasis on rural and urban geographic areas with high school dropout rates, high percentages of limited English proficient students, or geographic areas with schools identified for improvement or corrective action under section 1116.

''(e) QUARTERLY REVIEW.—

''(1) MEETINGS.—The board of directors or special governing committee of each organization that receives assistance under this section shall meet at least once in each calendar quarter to review the activities for which the assistance was provided.

''(2) CONTINUATION REQUIREMENT.—For each year that an organization submits and application for assistance under this section after the first year the organization receives assistance under this section, the board of directors or special governing committee shall submit to the Secretary a written review of the activities of the center carried out by the organization during the preceding year.

''(f) EVALUATION.—The Secretary shall conduct an evaluation of the centers assisted under this section, and shall report the findings of such evaluation to Congress not later than 3 years after the date of enactment of this section.''.

H.R. 2

OFFERED BY: MR. SCHAFFER

AMENDMENT NO. 46: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

**SEC. 111. CLASS SIZE, QUALIFIED TEACHER AND ACCESSIBLE SCHOOL FAMILY SCHOOL CHOICE.**

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

**''SEC. 1115C. CLASS SIZE, QUALIFIED TEACHER AND ACCESSIBLE SCHOOL FAMILY SCHOOL CHOICE.**

''(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

(1) attends a public elementary or secondary school and is in a class that has an

average class size greater than 24 students for grades 1–3, an average class size greater than 28 students for grades 4–6, or an average class size greater than 30 students for grades 7–12; or

(2) attends a public elementary or secondary school and receives instruction under this part from a state uncertified teacher; or

(3) attends a public elementary or secondary school and receives instruction from a state or locally uncertified paraprofessional; or

(4) attends a public elementary or secondary school and such school is not readily accessible to, and usable by, physically handicapped students; then—

(b) the local educational agency shall allow such student to attend another public school or public charter school in the same State that is selected by the student's parent.

(c) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

(1) The State educational agency shall determine which schools in the State are not readily accessible to physically handicapped students, consistent with federal law.

(d) TRANSPORTATION COSTS.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

(e) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

(f) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(g) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

(1) where the average class size was too large for the fiscal year preceding the fiscal year in which the class size was too large; or

(2) where the student is served by a state uncertified teacher for the fiscal year preceding the fiscal year in which the student received instruction from the uncertified teacher; or

(3) where the student is served by a state or locally uncertified paraprofessional for the fiscal year preceding the fiscal year in which the student received instruction from the uncertified paraprofessional; or

(4) designated as not readily accessible by the State educational agency, consistent with federal law, for the fiscal year preceding the fiscal year for which the designation is made.

H.R. 2

OFFERED BY: MR. SCHAFFER

AMENDMENT NO. 47: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

**SEC. ___. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

**"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

''(a) IN GENERAL.—If a student is eligible to be served under section 1115(b) or attends a school eligible for a schoolwide program under section 1114, and the public school that the student attends has been designated as an unsafe public school, then the local educational agency may allow such student to attend another public school or public charter school in the same State as the unsafe public school, that is selected by the student's parent.

''(b) UNSAFE PUBLIC SCHOOL.—

''(1) The State educational agency shall determine which schools in the State are unsafe public schools for purposes of this section.

''(2) The term 'unsafe public school' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

''(A) expulsions and suspensions of students from school;

''(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

''(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

''(D) enrolled students who are under court supervision for past criminal behavior;

''(E) possession, use, sale or distribution of illegal drugs;

''(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

''(G) possession or use of guns or other weapons;

''(H) participation in youth gangs; or

''(I) crimes against property, such as theft or vandalism.

''(c) TRANSPORTATION COSTS.—The local educational agency in which the unsafe public school is located may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the public school or public charter school selected by the student's parent; and

''(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

''(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.''.

H.R. 2

OFFERED BY: MR. SCHAFFER

AMENDMENT NO. 48: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

**SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

**"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

''(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

''(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

''(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

''(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

''(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

''(2) The State educational agency shall determine which schools in the State are unsafe public schools.

''(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

''(A) expulsions and suspensions of students from school;

''(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

''(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

''(D) enrolled students who are under court supervision for past criminal behavior;

''(E) possession, use, sale or distribution of illegal drugs;

''(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

''(G) possession or use of guns or other weapons;

''(H) participation in youth gangs; or

''(I) crimes against property, such as theft or vandalism.

''(c) TRANSPORTATION COSTS.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

''(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

''(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

''(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

''(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

H.R. 2

OFFERED BY: MR. SCHAFFER

AMENDMENT NO. 49: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

**SEC. ____. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

**''SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

''(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent. The State educational agency shall determine based, upon State law, what actions constitute a violent criminal offense for purposes of this section.

''(b) TRANSPORTATION COSTS.—The local educational agency in which the violent criminal offense occurred may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

''(c) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

''(d) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(e) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which such offense occurred.''.

H.R. 2

OFFERED BY: MR. SCOTT

AMENDMENT NO. 50: Add at the end of part F of title I of the Act, as proposed to be amended by section 161 of the bill, the following:

**''SEC. 1612. RULE OF CONSTRUCTION.**

''Notwithstanding any provision of this title, a local educational agency may not use more than 10 percent of the amounts made available under sections 1124, 1124A, and 1125 for the costs of transportation of children under sections 1115A and 1116.

H.R. 2

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 51: At the end of section 106 of the bill, insert the following:

(g) RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS; REQUIREMENTS FOR COMPLIANCE AGREEMENTS.—Section 1112 (20 U.S.C. 6312) is amended by adding at the end the following:

''(h) RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.—

''(1) IN GENERAL.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

''(A) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to limited English proficient children and youth that is undertaken using funds under this part by a State, locality, or local educational agency;

''(B) shall undertake a rulemaking pursuant to such notice; and

''(C) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

''(2) EFFECT OF RULEMAKING ON COMPLIANCE AGREEMENTS.—The Secretary may not enter into any compliance agreement after the date of the enactment of the Student Results Act of 1999 pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

''(i) REQUIREMENTS FOR COMPLIANCE AGREEMENTS.—Any compliance agreement entered into between a State, locality, or local educational agency and the Department of Health, Education, and Welfare or the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education using funds under this part shall—

''(1) include a requirement that such State, locality, or local educational agency demonstrate continuous and substantial progress in teaching children and youth with limited English proficiency verbal and written English;

''(2) include a requirement that such State, locality, or local educational agency annually assess student progress in learning English; and

''(3) contain stated goals for reclassification rates for limited English proficient students and evaluate progress toward those goals annually.''.

H.R. 2

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 52: At the end of the bill, add the following:

**TITLE IX—PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN**

**SEC. 901. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS; REQUIREMENTS FOR COMPLIANCE AGREEMENTS.**

Part E of title VII (20 U.S.C. 7601 et seq.) is amended by adding at the end the following:

**''SEC. 7503. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.**

''(a) IN GENERAL.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

''(1) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to limited English proficient children and youth that is undertaken by a State, locality, or local educational agency;

''(2) shall undertake a rulemaking pursuant to such notice; and

''(3) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

''(b) EFFECT OF RULEMAKING ON COMPLIANCE AGREEMENTS.—The Secretary may not enter into any compliance agreement after the date of the enactment of the Student Results Act of 1999 pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

**''SEC. 7504. REQUIREMENTS FOR COMPLIANCE AGREEMENTS.**

''Any compliance agreement entered into between a State, locality, or local educational agency and the Department of Health, Education, and Welfare or the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education shall—

''(1) demonstrate continuous and substantial progress in teaching children and youth with limited English proficiency verbal and written English;

''(2) include, among other things, the annual assessment of student progress in learning English;

''(3) contain stated goals for reclassification rates for limited English proficient students and evaluate progress toward those goals annually;

''(4) provide written notification to parent or parents of limited English proficient students in a language understandable to them which includes these goals and assessments; and

''(5) obtain the prior written consent of a parent or parents of a limited English proficient student who is identified for participation in a bilingual education program, or a special alternative instruction program included in said agreement. The parent or parents shall select among methods of instruction, if more than 1 method is offered, and have the right to have the student removed from the program immediately upon the parent's request.''.

H.R. 2

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 53: At the end of the bill, add the following:

**TITLE IX—PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN**

**SEC. 901. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS; REQUIREMENTS FOR COMPLIANCE AGREEMENTS.**

Part E of title VII (20 U.S.C. 7601 et seq.) is amended by adding at the end the following:

**''SEC. 7503. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.**

''(a) IN GENERAL.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

''(1) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to limited English proficient children and youth that is undertaken by a State, locality, or local educational agency;

''(2) shall undertake a rulemaking pursuant to such notice; and

''(3) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

''(b) EFFECT OF RULEMAKING ON COMPLIANCE AGREEMENTS.—The Secretary may not enter into any compliance agreement after the date of the enactment of the Student Results Act of 1999 pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

**"SEC. 7504. REQUIREMENTS FOR COMPLIANCE AGREEMENTS.**

''Any compliance agreement entered into after the date of the enactment of the Student Results Act of 1999 between a State, locality, or local educational agency and the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education shall—

''(1) include a requirement that such State, locality, or local educational agency demonstrate continuous and substantial progress in teaching children and youth with limited English proficiency verbal and written English;

''(2) include a requirement that such State, locality, or local educational agency annually assess student progress in learning English;

''(3) contain stated goals for reclassification rates for limited English proficient students and evaluate progress toward those goals annually;

''(4) include a requirement that such State, locality, or local educational agency provide written notification to parent or parents of limited English proficient students in a language understandable to them which includes such goals and the results of such assessments; and

''(5) include a requirement that such State, locality, or local educational agency—

''(A) obtain the prior written consent of a parent or parents of a limited English proficient student before placing the student in a bilingual education program or a special alternative instruction program that is subject to the compliance agreement;

''(B) permit the parent or parents to select among methods of instruction, if more than one method is offered; and

''(C) afford the right to have the student removed from the program immediately upon the parent's request.''.

H.R. 2

OFFERED BY: MRS. WILSON

AMENDMENT NO. 54: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

**"SEC. 1612. PERRY PRESCHOOL STUDY.**

The Secretary shall conduct a peer-review study to evaluate the long-term results of the High/Scope Educational Research Foundation's Perry Preschool Study and all subsequent studies based on the Perry Preschool Study. The study shall examine Head Start and Even Start programs to determine their similarities to Perry. The Secretary of Education shall report the findings to Congress not later than 180 days after the date of the enactment of the Student Results Act of 1999, which report shall include a comparison of and policy recommendations regarding the successes or failures of the Perry Preschool Study, and the successes or failures of Head Start and Even Start Programs.

H.R. 2

OFFERED BY: MRS. WILSON

AMENDMENT NO. 55: Add at the end of section 1609 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, the following:

''(e) CHARTER SCHOOLS CAPITAL FINANCING.—The General Accounting Office shall conduct a study on the availability of capital funds for facilities for charter schools and whether charter schools have access to local education bonds or funds. The General Accounting Office shall submit to Congress a report on its findings not later than 90 days after the enactment of the Student Results Act of 1999. The report shall include policy recommendations on means to improve capital availability for charter schools, including the establishment of an investment corporation to provide charter schools with access to low-interest capital improvement loans, loan guarantees and changes of Federal tax law that would improve accessibility and reduce the cost of capital to charter schools.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, TUESDAY, OCTOBER 19, 1999 No. 142

# Senate

The Senate met at 1:15 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Tom Phillips, Plains and Peaks Presbytery, Greeley, CO. I understand he is a guest of Senator ENZI.

We are very pleased to have you with us.

## PRAYER

The guest Chaplain, Dr. Tom Phillips, offered the following prayer:

Almighty God, we are grateful that Your sovereignty is demonstrated in service. As the Senators do their work here, may Your deep love for them find reality in their speech and action. As You offered Yourself freely as a way of bringing hope, overcoming discouragement, and offering a challenge to be our best, so may they share themselves with each other.

We freely admit the fear we feel when we imagine giving ourselves to each other. It seems overwhelming when we recall that You told us it is possible to so love even our enemies. O Lord, what a revolution that would be—a revolution of new life for all.

Take from our minds all fragments of fear that would lead us to withdraw into self-absorption. Give us the gift of freedom to fight without reserve for the community of humankind, the enjoyment of the world as Your gift to everyone and the special role this United States Senate has in bringing this gift to the whole world.

So, on this day, may these Senators know that the people of this Nation not only lay heavy responsibilities upon them but also hold them up in prayer. May the gracious power of Your love be served in what is done in this hall today. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MIKE ENZI, a Senator from the State of Wyoming, 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.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Wyoming.

Mr. ENZI. I thank the Chair.

## DR. TOM PHILLIPS

Mr. ENZI. Mr. President, I wish to take a couple moments to welcome my former pastor from Gillette, WY, to the Senate Chamber. I thank him and his wife Carolyn for making the journey to Washington to visit with us and some people with whom we have become acquainted through books we have read.

Dr. Phillips came to Gillette in 1983, and he has a doctorate but prefers to be called ''pastor.'' It made a significant impression on our community. He also taught us the difference between going to church and worshiping. That has been a lasting legacy and pulled people together, unified them. But, more importantly, he provided an individual ministry to me and to the other people in the congregation. He has been an instructor and a conscience. He has stretched the imaginations and minds of the people in our congregation but most especially my mind. Diana and I have had the blessings of this wonderful couple as they have been in Gillette; they have inspired us from their position and also were friends to us as just normal people, which can sometimes be very difficult for ministers.

Unfortunately, Gillette has lost his services; he is now in northern Colorado where he is a minister to ministers. He is with the Presbytery. He goes around and shares with people who sometimes have difficulty sharing with the members of their congregation. He provides a special service there. Throughout all that time, he has been sharing books which in turn have challenged me, stretched me, and helped me to do the job here.

So I thank both of them for their contribution to my and Diana's life, the life of our family, and also to our education through the years.

I thank ''Pastor'' Phillips.

I yield the floor.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 1:20 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate was called to order by the Vice President.

## BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Resumed

The VICE PRESIDENT. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Pending:

Daschle amendment No. 2298, in the nature of a substitute.

Reid amendment No. 2299 (to amendment No. 2298), of a perfecting nature.

Wellstone amendment No. 2306 (to the text of the language proposed to be stricken by amendment No. 2298), to allow a State to enact voluntary public financing legislation regarding the election of Federal candidates in such State.

### CLOTURE MOTION

The VICE PRESIDENT. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Daschle amendment No. 2298, to S. 1593.

Tom Daschle, Chuck Robb, Mary L. Landrieu, Joseph Lieberman, Jack Reed, Max Baucus, Barbara Boxer, Richard H. Bryan, Jeff Bingaman, Tim Johnson, Harry Reid, Robert G. Torricelli, Blanche L. Lincoln, Dianne Feinstein, Jay D. Rockefeller, Richard J. Durbin, Daniel K. Akaka, Ron Wyden, Byron L. Dorgan, and Tom Harkin.

The VICE PRESIDENT. Under the previous order, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on the Daschle amendment No. 2298 to S. 1593, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative assistant called the roll.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—52

| | | |
|---|---|---|
| Akaka | Feingold | McCain |
| Baucus | Feinstein | Mikulski |
| Bayh | Graham | Moynihan |
| Biden | Harkin | Murray |
| Bingaman | Hollings | Reed |
| Boxer | Inouye | Reid |
| Breaux | Jeffords | Robb |
| Bryan | Johnson | Rockefeller |
| Byrd | Kennedy | Sarbanes |
| Chafee | Kerrey | Schumer |
| Cleland | Kerry | Snowe |
| Collins | Kohl | Specter |
| Conrad | Landrieu | Thompson |
| Daschle | Lautenberg | Torricelli |
| Dodd | Leahy | Wellstone |
| Dorgan | Levin | Wyden |
| Durbin | Lieberman | |
| Edwards | Lincoln | |

NAYS—48

| | | |
|---|---|---|
| Abraham | Fitzgerald | Mack |
| Allard | Frist | McConnell |
| Ashcroft | Gorton | Murkowski |
| Bennett | Gramm | Nickles |
| Bond | Grams | Roberts |
| Brownback | Grassley | Roth |
| Bunning | Gregg | Santorum |
| Burns | Hagel | Sessions |
| Campbell | Hatch | Shelby |
| Cochran | Helms | Smith (NH) |
| Coverdell | Hutchinson | Smith (OR) |
| Craig | Hutchison | Stevens |
| Crapo | Inhofe | Thomas |
| DeWine | Kyl | Thurmond |
| Domenici | Lott | Voinovich |
| Enzi | Lugar | Warner |

The PRESIDING OFFICER. On this voter the yeas are 52, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I ask unanimous consent I be allowed to speak out of order for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR LEAHY'S 10,000TH VOTE

Mr. DASCHLE. Mr. President, I wish to call attention to the fact that with this vote Senator PATRICK LEAHY has reached a historic achievement in having cast his 10,000th rollcall vote.

(Applause, Senators rising.)

I join my colleagues in congratulating Senator LEAHY on his historic achievement.

In the history of our Nation, only 1,851 Americans have ever served in the U.S. Senate, and have achieved this level. And only 21 have cast 10,000 rollcall votes.

It is perhaps no coincidence that—at the very moment Senator LEAHY was casting his 10,000th vote in this chamber—baseball's home run king, Hank Aaron, was being honored on the other side of the Capitol.

PATRICK LEAHY and Henry Aaron are both ''heavy hitters''—in their own fields. They are both men whose names will be recorded forever in the history books.

The greatest compliment one Senator can pay another is to call him or her ''a Senator's Senator.'' It is not a term that is used loosely. It is a term that must be earned. To be a ''Senators' Senator,'' you have to love the Senate. You have to love its history and traditions. Most of all, you have to love what it represents; you have to love democracy. You have to love it enough to be willing to fight for it, to sacrifice for it, and sometimes, to bend for it. PATRICK LEAHY is such a man.

I am proud to serve with him in this Senate. And I am even more proud to count him as a friend.

I first came to this Senate in 1987. Those were hard times in rural America. The farm economy was in a deep recession. In South Dakota and across the country, people were being forced to sell farms that had been in their families for generations. That same year, PATRICK LEAHY became chairman of the Senate Agriculture Committee. And I became its newest member. It was on the Agriculture Committee that I first came to know Senator LEAHY. It was there that I first saw the qualities and characteristics which I now recognize as the hallmarks of his extraordinary career.

PATRICK LEAHY cares deeply about people, and about protecting America's natural resources. Under his leadership, issues that had historically been considered ''second tier'' issues—such as nutrition and the environemnt—were elevated in importance. He helped bridge differences between farmers and environmentalists.

PATRICK LEAHY is a consensus builder. That is another thing I learned from watching him. Nearly every major piece of legislation reported out of the Agriculture Committee during his years as chairman was reported out with strong bipartisan support. He worked closely, first under Senator Dole, and then later under Senator LUGAR, to build that support. PATRICK LEAHY is committed to making government work better.

In his first term as chairman, Senator LEAHY managed two of the ten measures cited by Time magazine as landmark legacies of the 100th Congress. The first was the Hunger Prevention Act; the second was the Agriculture Credit Act, the most comprehensive reform of the farm credit system in 50 years. That bill not only saved the farm credit system from bankruptcy; it saved millions of family farmers from disaster.

I learned a lot from watching PATRICK LEAHY about how to be a leader, about how to reach across the aisle and build a bipartisan consensus. He grew up in Montpelier, Vermont's capital, left to go to Georgetown Law School, and returned home to practice law. He began his political career in 1966 when he was elected the Chittenden County State's attorney. Eight years later, at the age of 34, he was selected by the National District Attorneys Association as one of the three outstanding prosecutors in the United States. That same year, he was elected to the Senate.

He remains the youngest Senator, and the only Democratic Senator, ever sent to this body by the people of the Green Mountain State.

In 1998, he was reelected with 72 percent of the vote, one of the largest margins of victory in any Senate race last year.

It is not simply the number of votes which he has cast which makes him the kind of Senator he is and the man whom we congratulate today; it is also the nature of those votes, the serious reflection that accompanied them, and sometimes the courage it took to cast them.

Over the years, Senator LEAHY has frequently spoken out against proposals he knew were popular but believed were unconstitutional. For the last 3 years, as ranking member of the Judiciary Committee, he has been an outspoken and articulate advocate for the right of Federal judicial nominees to have a fair vote, and the responsibility of this Senate to grant them that right.

On the Appropriations Committee's subcommitee, Senator LEAHY has been a leader in the global effort to ban antipersonnel mines. In 1992, he wrote the first law by any government banning the export of these weapons and played a key role in pushing for an international treaty banning their use. Now 122 nations have signed that treaty.

He has also used his leadership position to fight the global spread of infectious diseases, and to prohibit American aid to police forces that have records of human rights violations.

PATRICK LEAHY is a quiet, thoughtful man with great intellectual curiosity and a great sense of humor. He is also one of the most forward-looking people I know. He was one of the first Senators to go online and establish a home page on the World Wide Web. He frequently holds town meetings with Vermonters on the Internet.

This year, he was awarded the John Peter and Anna Catherine Zenger Award ''for outstanding contributions in support of press freedom and the people's right to know,'' only the second time since 1954 that it has gone to a government leader.

In the 25 years he has served here, PATRICK LEAHY has lost a little bit of the hair he came with, but he has gained an extraordinary amount of wisdom and skill. He has shared those gifts with America, and we are better and stronger because of it.

Besides his 10,000 rollcall votes, there is at least one other accomplishment for which Senator LEAHY will go down in the history books. We all know PATRICK LEAHY is one of the world's biggest ''Dead Heads.'' He is one of the biggest fans of the legendary band, the Grateful Dead. Several years ago, he invited Jerry Garcia and several other members of the band to have lunch in the Senate dining room. People were already doing double and triple takes—and then Senator THURMOND walked in.

Ever the bridge builder, Senator LEAHY rushed over to Senator THURMOND and said, ''Please join us. There is someone I want you to meet.''

If Patrick LEAHY can help bridge that divide between Jerry Garcia and STROM THURMOND, there is hope for all of us. There is no telling what else he can do in the Senate in the remaining time that he will be here. I hope it is for years and years and thousands of votes to come.

I yield the floor.

Mr. LOTT. Mr. President, I hate to see the minority leader's comments end. They were getting better and better as he got toward the end.

I also extend the congratulations of myself, all the Members of the Senate on this side, and on the Democratic side. It is certainly an enviable record: 10,000 votes, 25 years. We all know quite well Senator LEAHY's efforts on behalf of the environment, agriculture, judiciary, foreign policy. His efforts are legendary. He has done a great job.

Mr. President, today is a special day. In the history of our country, less than 1,300 Americans have served in the U.S. Senate. Being a Senator is a singular honor bestowed on a very few. Today, our friend from Vermont, PAT LEAHY has joined a unique club within this unique body. He has cast his 10,000th vote.

Think about what that means. When PAT LEAHY came to the Senate, as the youngest man ever sent to the Senate by the people of the United States, Gerald Ford was in the White House. Since then, Presidents and majority leaders have come and gone, the Iron Curtain has come crashing down, and PAT LEAHY has kept on casting votes.

PAT already had remarkable career before he came to the Senate. After leaving Georgetown Law School, he served for 8 years as a state's prosecutor in Vermont where he gained a national reputation as a crime fighter. In 1974, he was named as one of the three outstanding prosecuting attorneys in the United States.

Upon entering the Senate PAT became a leader on agriculture, foreign affairs, and the judiciary. His Leahy-Lugar bill in 1994 revolutionized the way the Department of Agriculture does its business and millions of farmers are better off for his efforts.

So I echo the sentiments of my friend, the minority leader. We send PAT and his wife Marcelle our very best wishes and our hopes for continued success in the days ahead.

Mr. JEFFORDS. Mr. President, it is a real pleasure and a privilege for me to be here to honor my colleague. We came into the Congress together. That moment is most memorable to me. I was at a reception and missed the first vote in the House. I thank the Senator for never burdening me with that. I am privileged to be his colleague.

For four decades, PAT has served Vermont. At the time he was a Chittenden County prosecutor, I was attorney general. We worked very closely together to make sure that Vermont was protected.

In his position, he has gained national and international recognition on many issues. He has led the fight to rid the world of landmines and continues to aid victims of these weapons through the Leahy War Victims Fund. He has helped bring the computer age to the Senate, helped educate all Members on the value of the Internet, and continues to champion environmental issues.

He always remembers his roots. I am sure I speak for him when I say that his proudest accomplishments are those that make Vermont a better place. He has worked tirelessly to ensure that Vermont receives full consideration before the Senate. He has protected Vermont dairy farmers, maintained funds for programs to preserve the waters of Lake Champlain, and helped fulfill George Aiken's legacy by adding lands to the Green Mountain National Forest.

PATRICK LEAHY is a man of his word. He is a trusted friend who has the courage of his convictions, and plays to win for the right cause. Many times he has been on the winning side for the benefit of Vermont and the Nation. I have worked on his side on many occasions and have always marveled at his sense of the democratic process, at his commitment to constituents, and his dedication to friends and his family.

I am proud to call PAT LEAHY a friend of mine, and I have valued and have enjoyed our interaction in the Halls of the Senate, from the good-natured competition of our annual intrastate softball game to marching in Vermont's miniparades.

With this vote, PAT LEAHY becomes only the 21st Member, as has been pointed out, out of 1,851 men and women who have served, to respond yea or nay 10,000 times.

It is wonderful to be with you, PAT. Congratulations.

Mr. SCHUMER. Mr. President, I rise today to add my voice to those who are so eloquently paying tribute to my friend and colleague from Vermont, Senator LEAHY. 10,000 of anything is a lot. But 10,000 votes is a mind-boggling milestone. I figured out that at our current pace, if God willing I am reelected, by the time I reach 10,000 votes we'll be debating Y3K legislation. But seriously, 10,000 votes is an indication, not of longevity, but of thoughtfulness, patience, hard work, effectiveness, and of representing ably and nobly your Vermont constituents.

Many of my colleagues have worked side-by-side with PAT LEAHY for a number of years, as he worked tirelessly and successfully to protect and advance Vermont's interests, as he led the crusade to ban the production and use of land mines, and as he wrote and rewrote laws in order to foster the growth of the Internet. When you hear them speak about PAT LEAHY, they speak about a man of exceptional character, astute vision, and abundant compassion. I've been here for only 9 months but working with PAT LEAHY has been a truly rewarding experience for me. He has been a leader, a teacher, and a friend. He is very patient and very open to ideas. And we have PAT to thank for producing a balanced juvenile justice bill—a bill that, thanks to his efforts and those of Senator HATCH, secured the support of three-quarters of this Senate. Who could have foreseen the Senate's reporting juvenile justice legislation on such a bipartisan basis? Who could have foreseen the Senate's ultimately closing the gun show loophole after kicking off the debate by voting down our modest proposal? Only those who correctly estimated PAT LEAHY's skill and perseverance.

But outside the committee, we've worked together on local economic development issues. We share a large border and many of my northern New York constituents share a great deal with PAT's rural Vermont constituents. What a relief for me that I can turn to PAT at any time on dairy and agriculture issues. I hope it is an indication that I've been a good student now that PAT has started calling me ''Farmer CHUCK.'' Well, if I'm ''Farmer CHUCK,'' then all I can say is that, in large part, I learned my new craft from the best of them—PAT LEAHY.

So, congratulations on reaching this ironman milestone. There aren't too many Senators who can make the kind of mark that Senator LEAHY has made and still be considered a friend to every person in the Senate. I know you have been a friend to me, and for that I am proud to share this great moment with you.

Mr. FEINGOLD. Mr. President, I rise today to join my colleagues in congratulating my dear friend and colleague from Vermont, Senator LEAHY, on his 10,000th vote cast as a member of this body.

What a great milestone Senator LEAHY has reached. What a great testament to the commitment of my dear

colleague to his duty as a representative of the people of the state of Vermont. Senator LEAHY now joins an exclusive group of only a handful of Senators who have cast at least 10,000 votes. At a time when many Americans are skeptical of Congress and the political process, it is re-assuring to know that my colleagues, like Senator LEAHY, take their responsibility to their constituents seriously. Even with modern transportation, it is a challenge not to miss this important responsibility of casting votes.

Senator LEAHY has been an exemplary Senator. And it's not just the act of voting that matters. I also commend Senator LEAHY for his hard work, dedication, insight and adept ability to work in a bipartisan manner—skills that he has brought to this floor, as well as to his role as ranking member of the Judiciary Committee. His leadership has been invaluable to the work of the Committee, as well as the work of moving bills on the Senate floor. As a member of the Judiciary Committee, I have been proud to work with him on innumerable pieces of legislation affecting everything from civil rights to immigration to crime.

Mr. President, I once again congratulate my dear colleague, Senator LEAHY, and wish him well in continuing his outstanding work for the American people.

Mr. LIEBERMAN. Mr. President, I rise today to recognize a milestone vote by the distinguished senior Senator from Vermont. Today Senator PATRICK LEAHY becomes the 21st member in the Senate's history to pass the 10,000 vote mark. I have had the opportunity to work alongside the Senator for the last 11 years and it gives me great pleasure to take a few minutes to discuss his many accomplishments.

Senator LEAHY began working for the people of Vermont back in 1966, when he was elected Chittenden County state's attorney. He quickly gained a national reputation when he revamped the office and led a national task force that was probing the 1973–74 energy crisis. In 1974, he was elected to the Senate and he remains the only Democratic Senator in the state's history. This is important because to have the state of Vermont re-elect Senator LEAHY four times means that he is doing work here that appeals to a wide cross section of people.

During his years as Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, Senator LEAHY demonstrated his ability to report bills to the full Senate with strong bipartisan support. In partnership with Senator LUGAR he authored two farm bills that not only protected important nutrition initiatives like the WIC program, but also included landmark environmental features that have helped to preserve farmland. He has also been able to streamline the U.S. Department of Agriculture, in the process saving more than $2 billion.

The issue that the Senator may be best known for is his fight for a worldwide ban on land mines. Since 1989 he has labored to raise awareness among the public and build political support within the administration. He pushed for an international treaty that would ban anti-personnel mines and got a commitment from the U.S. administration to sign the treaty when alternatives to the mines are available. And the Leahy War Victims Fund provides up to $12 million a year in medical supplies to aid land mine victims.

Senator LEAHY is also a cofounder of the Congressional Internet Caucus. Now in his fifth term, Senator LEAHY remains on the cutting edge of technology as he was one of the first Senators to establish a home page on the web. He also conducts electronic town meetings with residents on-line, and has sought to update copyright law to reflect the changes that have occurred with the advent of the information age.

Equally important as these legislative achievements is the sense of tradition that Senator LEAHY carries with him as he fulfills the daily tasks of a U.S. Senator. He has consistently been a voice for rural America, and, while he always votes with the people of Vermont in mind, in a more traditional way PATRICK LEAHY has not been afraid to take an unpopular stance if he believes that the national interest is at stake. He is a Statesman who appeals to a sense of bipartisanship on issues dealing with our national security and foreign policy. These are customs that are essential to the success of this institution, and the Senator is often looked to for leadership for these reasons.

I congratulate Senator LEAHY for this momentous achievement. He is a fine example of what a United States Senator should be.

Mr. EDWARDS. Mr. President, I rise today to join my colleagues in honoring Senator LEAHY on casting his 10,000th vote in the United States Senate. Given that I have just cast my 328th vote, I am humbled and impressed by the senior Senator from Vermont's accomplishment. This feat is a true measure of Senator LEAHY's dedication to the people of the United States and his commitment to the state of Vermont.

Senator LEAHY made a lasting impression on me early in my tenure as he oversaw the Democratic Senators who attended the impeachment depositions. In very difficult circumstances, Senator LEAHY set a tone of fairness and collegiality. His example during the depositions is one that I will always value as I continue my public service.

I am truly grateful for and humbled by the service that Senator LEAHY has given to this nation, and I also thank him for his enduring leadership, selflessness and influence in the U.S. Senate. I look forward to his next 10,000 votes.

Mr. HATCH. Mr. President, after 25 years of service to the country, the State of Vermont, and this body, Senator LEAHY has just cast his 10,000th vote. I should note that this milestone vote was cast in relation to substantively dubious campaign finance reform legislation. I can't say that I blame him for supporting the legislation given the fact that his Republican opponents in his last race spent no money and actually endorsed him.

All kidding aside, this is an occasion to reflect on Senator LEAHY'S impressive career. In 1974 Senator LEAHY joined this body as the youngest Senator ever elected to represent the state of Vermont. He was the first Democrat elected to the Senate from Vermont in more than a century. If political commentators thought that voting in PAT LEAHY was a one-time event, they were wrong. Senator LEAHY is currently serving his fifth 6 year term. I have had the privilege of working closely with Senator LEAHY for all of my years on the Senate Judiciary Committee, where I serve as chairman and he is my partner, the ranking member of that committee.

I have appreciated and benefited from his experience and expertise in may areas. When Senator LEAHY came to the Senate he was already an expert in the area of law enforcement having been named one of the three outstanding prosecutors in United States in 1974. We on the Judiciary Committee have looked to Senator LEAHY on these issues. On high-technology issues, as you all know, Senator LEAHY prides himself in his leadership and knowledge of the issues. His interest and expertise in these areas have helped move the Judiciary Committee forward in tackling these important issues.

We who know PAT LEAHY know that he has remained young at heart, as evidenced by his continued devotion to the Grateful Dead. But his devotion to the arts and his devotion to work in this body do not compare to Senator LEAHY'S devotion to his wife, his children, and recent grandson.

So, in conclusion, I want to pay tribute to Senator LEAHY and his wonderful family on this remarkable day which symbolizes years of hard work and dedication for which this institution and this country are grateful. While Members of the senate differ from time to time, we can all appreciate and admire the accomplishment of casting 10,000 votes. so when I leave the floor today, I'll tell Senator LEAHY, ''PAT you were, 'Built to Last' and while you may be getting up there in years, it's 'just a touch of gray. Kind of suits you anyway. That was all I have to say. It's all right.' ''

Mr. DASCHLE. I ask unanimous consent that we recognize the Senator from Vermont for a couple of minutes to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I think Mark Twain once referred to how nice it is to hear your eulogy while you are still alive. I do appreciate hearing from my friends, my distinguished colleague

from South Dakota, the closest friend I have ever had, the distinguished Democratic leader, and the kind words he had to say; my good friend from Mississippi, the distinguished majority leader; and, of course, my colleague who I have known for longer than anybody in this body, the distinguished Senator from Vermont, JIM JEFFORDS.

These comments mean a great deal. That Vice President GORE, presided at the time of the vote meant a lot to me. I will note that the Vice President said earlier today: Boy, that guy LEAHY must be awfully old.

I point out the Vice President and I have the same birthday, March 31—about 8 years apart.

I have served here with so many. I see my dear friend and aisle mate, the distinguished senior Senator from West Virginia, who has cast the most votes in history—over 15,000 votes, and my good friend, the President pro tempore, the distinguished senior Senator from South Carolina, STROM THURMOND, who has the second most votes ever cast in this body.

I think of the people with whom I have served during the 25 years I have served, people such as Scoop Jackson and Mike Mansfield, Jacob Javits, John Stennis, Hubert Humphrey, and Bob Dole. The two closest friends I had in my class were a Republican and a Democrat: Paul Laxalt and John Glenn; and so many others who I served with including two colleagues from Vermont, Bob Stafford and JIM JEFFORDS.

How fortunate I am to serve with the men and women of this body; every one of whom is a close friend—those such as the distinguished Senator from Utah with whom I work on the Judiciary Committee; those with whom I work on the Appropriations Committee, the chairman of our subcommittee, the distinguished Senator from Kentucky, and the distinguished senior Senator from Alaska, the chairman of the committee—he and Senator BYRD have taught me so much as I have served on that committee—those with whom I serve on Agriculture, my good friend, the chairman of the Agriculture Committee, DICK LUGAR, and others. There are so many of you.

When I came here the country was very much at risk and the Senate was in good bipartisan shape. Today the country is doing very well, and we sometimes break down too much along partisan lines. I think this is unfortunate. Those of us who have served here a long time know it does not have to be that way. We know the country is better when we work together. I think of traveling with my friend from Mississippi, the distinguished senior Senator from Mississippi, THAD COCHRAN, when we went to our home States. We find, even though we are of different philosophies, there are so many things in common, so we can work together.

I hope we can do more and more of that. If I may say to all my friends, nothing I can ever do in life will give me greater pleasure or humble me more than serving in this body. There are only 100 of us who might be here at any given time to represent a great nation of a quarter of a billion people. Think of the responsibility that is for all of us. These are the finest men and women, in both parties, I have ever known.

When Marcelle and I came to this city, we didn't knew how long we were going to be here. I was the junior-most Member of this body, the junior-most Member—No. 99 in then a 99–Member Senate, because of a tie vote in New Hampshire. I sat way over in that corner.

I looked at Senators, people such as TED KENNEDY or Frank Church or Barry Goldwater, who would walk in here—people I knew from Time magazine covers or from the news—and suddenly realized, I am here. I remember that day in January when I stood up to cast my first vote and then quickly sat down. I also remember what Senator Mansfield, our leader, told me: Always keep your word, he said, and don't worry if you think you cast a vote wrong; the issue will come back. It does. I have found that is true after 10,000 votes.

So I think now I have been here long enough that this week I will finally do something I have been putting off for 25 years. I will carve my name in my desk.

I yield the floor.

(Applause, Senators rising.)

## BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Continued

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Reid amendment No. 2299.

Tom Daschle, Chuck Robb, Barbara Boxer, Joseph I. Lieberman, Jack Reed, Richard Bryan, Jeff Bingaman, Tim Johnson, Harry Reid, Blanche L. Lincoln, Dianne Feinstein, John D. Rockefeller IV, Richard J. Durbin, Daniel K. Akaka, Ron Wyden, Byron L. Dorgan, Tom Harkin, and Barbara A. Mikulski.

The PRESIDING OFFICER. Under the previous order, the mandatory call of the roll under the rules has been waived.

The question is, Is it the sense of the Senate that debate on the Reid amendment No. 2299 to S. 1593, a bill to amend the Federal Election Campaign Act of 1971, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—53

| | | |
|---|---|---|
| Akaka | Feingold | Lincoln |
| Baucus | Feinstein | McCain |
| Bayh | Graham | Mikulski |
| Biden | Harkin | Moynihan |
| Bingaman | Hollings | Murray |
| Boxer | Hutchinson | Reed |
| Breaux | Inouye | Reid |
| Brownback | Jeffords | Robb |
| Bryan | Johnson | Rockefeller |
| Byrd | Kennedy | Roth |
| Cleland | Kerrey | Sarbanes |
| Collins | Kerry | Schumer |
| Conrad | Kohl | Snowe |
| Daschle | Landrieu | Thompson |
| Dodd | Lautenberg | Torricelli |
| Dorgan | Leahy | Wellstone |
| Durbin | Levin | Wyden |
| Edwards | Lieberman | |

NAYS—47

| | | |
|---|---|---|
| Abraham | Fitzgerald | McConnell |
| Allard | Frist | Murkowski |
| Ashcroft | Gorton | Nickles |
| Bennett | Gramm | Roberts |
| Bond | Grams | Santorum |
| Bunning | Grassley | Sessions |
| Burns | Gregg | Shelby |
| Campbell | Hagel | Smith (NH) |
| Chafee | Hatch | Smith (OR) |
| Cochran | Helms | Specter |
| Coverdell | Hutchison | Stevens |
| Craig | Inhofe | Thomas |
| Crapo | Kyl | Thurmond |
| DeWine | Lott | Voinovich |
| Domenici | Lugar | Warner |
| Enzi | Mack | |

The PRESIDING OFFICER (Mr. CRAPO). On this vote, the yeas are 53, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.J. Res. 71, the continuing resolution. I further ask unanimous consent that the resolution be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H.J. Res. 71) was read the third time and passed.

## ORDER OF PROCEDURE

Mr. LOTT. I ask unanimous consent that after we get an agreement on the time, Senator HATCH be allowed 5 minutes to speak on behalf of his ranking member of the Judiciary Committee.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, all I was asking was that he have an opportunity to speak very briefly about the 10,000 votes his colleague on the Judiciary Committee has achieved.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, if I am allowed to speak on the

results of this vote before then, then I will agree to a unanimous-consent request.

## PARTIAL-BIRTH ABORTION BAN ACT OF 1999—MOTION TO PROCEED

Mr. LOTT. Mr. President, let me go ahead then. This will be a little disjointed, but I think I can accommodate all Senators.

I now move to proceed to Calendar No. 300, S. 1692, the partial-birth abortion bill, and a vote occurring immediately following 80 minutes of debate, with 30 minutes under the control of Senator LEVIN, and 10 minutes each for the following Senators: FEINGOLD, BOXER, MCCAIN, SCHUMER, and SANTORUM, all occurring without any intervening action or debate. I also ask unanimous consent that Senator HATCH have 5 minutes after the vote to speak on behalf of his colleague, Senator LEAHY.

I further ask consent that it be in order for me to ask for the yeas and nays.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. There are two parts to the majority leader's request. The first is that he move to proceed to Calendar No. 300, S. 1692, which is the partial-birth abortion bill. The second is the unanimous-consent agreement involving the request by a number of Senators to be heard. I have no objection to Senators being heard. I question why we need to move to proceed to Calendar No. 300, when we simply could do so by a unanimous-consent request, thereby not taking off the table and off of consideration the campaign finance reform bill. I will, therefore, ask unanimous consent that we simply allow the partial-birth abortion bill to be taken up, thereby precluding the need to vote on the motion to proceed and thereby protecting the current position of the campaign finance reform bill.

I personally would love to have the full debate that we were promised on campaign finance reform. The amendments are pending. There ought to be a vote on the Reid amendment. I would like to have a vote on my amendment. Even though we did not get cloture, we ought to have that debate.

There are other Senators who have yet to be heard on this issue. We have not had the 5 days committed. We have not had the opportunity to vote on these issues.

I ask unanimous consent that we simply take up partial-birth abortion so we can return to this issue once that issue has been resolved.

Mr. LOTT. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. By doing this, the campaign finance issue is put back on the calendar. We can have the debate that is needed on the motion to proceed to the partial-birth abortion bill, and Senators can be heard to express their concerns about the campaign finance issue, as well as the time Senator HATCH asked for after the vote. So I ask unanimous consent that it be in order for me to ask for the yeas and nays.

Mr. WELLSTONE. Object.

Mr. KERRY. Object.

Mr. GRAHAM. Object.

Mr. MCCAIN. Reserving the right to object.

Mr. KERRY. I object.

The PRESIDING OFFICER. Objection is heard to the request. The leader has the floor.

Mr. LOTT. Mr. President, is the motion to proceed pending?

The PRESIDING OFFICER. The majority leader's motion is pending.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, is the motion debatable?

The PRESIDING OFFICER. The motion to proceed is debatable.

Mr. MCCAIN. Mr. President——

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I am very troubled by the majority leader's decision. There is no reason why we have to move to proceed to the partial-birth abortion bill. It is a bill that I will probably end up supporting. So this decision about whether or not we support or oppose partial-birth abortion, we will have a good debate about that and amendments will be offered. This is a question of whether or not we are going to keep our word, whether or not we are going to have the opportunity to finish the debate on campaign finance reform, whether or not we are going to have the opportunity to offer amendments. That is what this is about.

So nobody ought to be misled. Do we finish our business? Do we follow through with commitments? Do we have a good debate or not? The majority leader said no. No, we won't have a debate on campaign finance reform. No, we won't keep the commitments made with regard to how long this bill will be debated. That is wrong. A number of us—unanimously on this side and some on that side—want to make sure the RECORD clearly indicates our anger, our disappointment, and our determination to come back to this issue.

Mrs. BOXER. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mrs. BOXER. I say to my Democratic leader, does he not believe this is part of a pattern of taking issues that are important and rejecting them out of hand and not giving a chance for these issues to be fully heard? Does he believe this is part of it?

Mr. DASCHLE. The Senator from California raises a good point. The attitude appears to be: I am going to take my ball and go home anytime it doesn't go my way. I will just take my ball and go home. Well, I think that is wrong. We ought not to go home. This is too important an issue. We ought to be here, have the debate and the votes, and get this job done right. The American people expect better than this. They are not getting it with this decision; they are not getting it with the motion to proceed; they are not getting it with our denial to have a good vote and debate about some of these pending amendments.

Mr. LEVIN. Will the Senator yield for a question?

Mr. DASCHLE. Yes.

Mr. LEVIN. I want to clarify what the Democratic leader has done. He has offered unanimous consent to go to partial-birth abortion because if we go to it that way, after it is disposed of and resolved, we would automatically then come back to campaign finance reform and resolve that issue; is that correct?

Mr. DASCHLE. The Senator from Michigan is exactly right. If we would proceed to the partial-birth abortion bill by unanimous consent, the pending issue would continue to be campaign finance reform. By moving to proceed to the partial-birth abortion bill, we then relegate the campaign finance reform bill back to the calendar. That is what we want to avoid. That is unnecessary.

I think the American people are trying to sort this out and figure why we are doing this. The reason we are doing this is not because they want to take up partial-birth abortion alone; it is because they don't want to continue the debate on campaign finance reform. That is what this action actually telegraphs to the American people.

Mr. LEVIN. If I may further ask the Democratic leader, even though many of us oppose the bill relative to partial-birth abortion, we have nonetheless agreed that we would go to it by unanimous consent because, after it was then disposed of, however it was disposed of, we could then come back to this critical issue of campaign finance reform; is that correct?

Mr. DASCHLE. The Senator from Michigan is exactly right. We are not passing judgment on the issue of partial-birth abortion; there will be people on either side of it. But what we are united about, regardless of how one feels on partial-birth abortion—at least on this side of the aisle—is that every single Democrat believes we ought to stay on this bill. Every single Democrat wants to assure that we don't violate the understanding that the Senate had about how long we would be on this legislation, and whether or not we would be able to proceed with amendments and have a good debate. So you are absolutely right. There is no question, by going to unanimous consent,

we preclude the need to move off of this bill and put the bill back on the calendar. We don't want that to happen.

Mr. LEVIN. My final question is this: Is that not the reason why this upcoming vote—when it comes—on the motion to proceed then becomes the defining vote as to whether or not we want to take up campaign finance reform? Because if we move to proceed to partial-birth abortion, if that motion is adopted, then campaign finance reform goes back on the calendar. So this upcoming vote—whenever it occurs—on the question of moving to proceed to partial-birth abortion then becomes the defining vote ahead of us on the question of campaign finance reform.

Mr. DASCHLE. The Senator from Michigan is exactly right. The vote on the motion to proceed will be a vote to take away our opportunity to continue to debate campaign finance reform. If you vote for the motion to proceed, you are voting against campaign reform; you are voting against maintaining our rights to stay on that bill and resolve it this afternoon, tomorrow, or the next day.

Mr. LEVIN. Or after partial-birth abortion.

Mr. DASCHLE. Right. This is more than procedure; this vote is whether or not you want to stay on campaign finance reform and finish it. This is whether or not you are for campaign finance reform. That is what this vote is all about.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, first of all, I may be in some disagreement with the distinguished Democratic leader about an upcoming motion to proceed because some feel very strongly about the issue of partial-birth abortion and whether that vote might be interpreted as a vote in favor or against it.

Let me assure the distinguished Democratic leader—and I will elaborate on this in a second—we have not been treated fairly in this process by either side. So, therefore, Senator FEINGOLD and I feel no obligation except our obligation to campaign finance reform, and that is to do whatever is necessary, at whatever time, to make sure this issue is voted on, as were the terms of the original unanimous consent agreement that was agreed to by the majority leader.

I think it is fair to say that neither I nor the Senator from Wisconsin began this debate with the expectation that we were close to achieving 60 votes for campaign finance reform, although we have to be encouraged by the fact that three new Republican votes were cast in favor of campaign finance reform in this last vote. We did, however, believe that we had a chance to build a supermajority in support of some reform. We hoped that by dropping those provisions from the bill that drew the loudest opposition last year, and by allowing Senators to improve the legislation through an open amendment process, we might begin to approach consensus.

It appears we were mistaken. The opponents of comprehensive reform oppose even the most elemental reform. Those opponents abide on both sides of the aisle—if not in equal numbers, then in sufficient numbers—to render any attempt to clean up the system a very difficult challenge, indeed.

I suspect the opponents were concerned that were we ever allowed a truly clean vote on a soft money ban, we might come close to 60 votes. I believe that explains the extraordinary efforts from both Democrats and Republicans to prevent that clean vote from occurring.

I say to my friends on the other side of the aisle that I have argued with my Republican colleagues in the last two Congresses that reform supporters deserve a decent chance, through an open amendment process, to break a filibuster. I can hardly complain to them now that the other side has apparently decided it could not risk such a process, fearing that we might achieve what Democrats have long argued we should have—reform.

The Senator from New Jersey, Senator TORRICELLI, claims that the right wing of my party forced me to change our legislation. That will be news to them. I have noticed no reduction in the intensity of their opposition to a soft money ban now that it no longer is accompanied by restrictions on issue advocacy. All I have noticed is that the Senator from New Jersey has now become as passionately opposed to reform as are the critics of reform in my party.

Although I cannot criticize Republican Senators for reneging on a commitment to an open amendment process, I must observe that we were promised 5 full days of debate. That promise has not been honored. Moreover, the leadership decided to deny us even the opportunity to appeal to our colleagues before this vote, a rare and unusual occasion around here.

We were not allowed to continue our debate between the vote last night and the votes we have just taken. Whether this was done to treat us unfairly or to respond to the tactics of the minority matters little to me. In the end, we are denied a fair chance to pass our reforms, as we have been denied in the past. And although I am not all that surprised by the tactics employed by both sides, I am, of course, a little discouraged.

However, Mr. President, neither Senator FEINGOLD nor I are so discouraged that we intend to abandon our efforts to test Senate support for a ban on single source contributions that total in the hundreds of thousands, even million of dollars. We will persevere. And we believe we are no longer bound by any commitment to refrain from revisiting this issue in the remainder of this session of Congress. I know there is not a lot of time left before adjournment, but if the opportunity exists to force an up or down vote on taking the hundred-thousand-dollar check out of politics, we will do so, Mr. President.

Some Senators may wonder why would we persist in these efforts when it is clear that the enemies of reform are numerous, resourceful, and bipartisan. Are we just tilting at windmills? I don't believe so Mr. President. I believe that some day, the American people are going to become so incensed by the amount of money that is now washing around our political system that they will hold Senators accountable for their votes on this issue. Then, I suspect, we will achieve some consensus on reform. Until then, it is our intention to do all we can to make sure the public has a clear record of support or opposition to reform upon which to judge us. Yesterday's cynical vote for a ban on soft money indicates to me just how fearful of a straight, up or down vote the opponents are.

Mr. President, I want to respond again to the criticism that my stated belief that our campaign finance system is corrupting is untrue and demeaning to Senators. Let me read a few lines from the 1996 Republican Party platform.

> Congress had been an institution steeped in corruption and contemptuous of reform.
>
> Scandals in government are not limited to possible criminal violations. The public trust is violated when taxpayers' money is treated as a slush fund for special interest groups who oppose urgently needed reforms.
>
> It is time to restore honor and integrity to government.

I repeat again. I am quoting from the Republican Party platform of 1996.

Mr. President, I'm not saying anything more than what is, after all, the official position of the Republican Party. Or is it my Republican colleagues' view that only Democratic-controlled congresses are ''Steeped in corruption and contemptuous of reform''?

As I said last week, Mr. President, something doesn't have to be illegal to be corrupting. Webster's defines corruption as an ''impairment of our integrity.'' I am not accusing any Member of violating Federal bribery Statutes. But we are all tainted by a system that the public believes—rightly—results in greater representation to monied interests than to average citizens. No, Mr. President, there is no law to prevent the exploitation of a soft money loophole to get around Federal campaign contribution limits. There is no law, but there ought to be. That's why we're here.

Does anyone really believe that our current system has not impaired Congress' integrity or the President's for that matter? When special interests give huge amounts of cash to us, and then receive tax breaks and appropriations at twice or five times or ten

times the value of their soft money donations. What is it these interests expect for their generosity? Good government? No, they expect a financial return to their stockholders, and they get it, often at the expense of average Americans. Would they keep giving us millions of dollars if they weren't getting that return? Of course not.

Cannot we all agree to this very simple, very obvious truth: that campaign contributions from a single source that run to the hundreds of thousands or millions of dollars are not healthy to a democracy? Is that not evident to every single one of us? A child could see it, Mr. President.

The Senator from Kentucky said the other day that there is no evidence, no polling data, no indication at all that the people's estrangement from Congress would be repaired by campaign finance reform. He is correct, there is no such evidence.

But I have a hunch, Mr. President, that should the public see that we no longer lavish attention on major donors, should they see that their concerns are afforded just as much attention as the concerns of special interests, should they see some evidence that their elected representatives place a higher value on the national interest than we do on our own re-elections, should they no longer see tax bills, appropriations bills, deregulation bills that are front-loaded with breaks for the people who write hundred-thousand-dollar checks to us while tax relief or urgent assistance or real competition, or anything that could immediately benefit the average American is delayed until later years, if ever, should they see that, Mr. President, I have a hunch, just a hunch, that the people we serve might begin to think a little better of us.

Mr. President, no matter what parliamentary tactics are used to prevent reform, no matter how fierce the opposition, no matter how personal, no matter how cynical this debate remains, the Senator from Wisconsin and I will persevere. We will not give up. We will not give up in the Senate. And we will take our case to the people, and eventually, eventually, we will prevail.

I ask my colleagues, why must we appear to be forced into doing the right thing? Why can't we take the initiative, and show the people that it matters to us what they think of us?

Mr. President, despite our protestations to the contrary, the American people believe we are corrupted by these huge donations. And their contempt for us—even were it not deserved—is itself a stain upon our honor. Don't allow this corrupt—and I use that term advisedly—this corrupt system to endure one day longer than it must. We have it in our power to end it. We must take the chance. Our reputations and the reputations of the institution in which we are privileged to serve depend on it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we have just completed the 20th cloture vote on this subject since 1987. Since my party took over the majority in the Senate, the 52–48 vote was the highest watermark actually during that period, and going all the way back over the 20 years I have been involved in this issue.

So I thank the 48 Senators—regretfully, all of them were Republican—who resisted the temptation to support a measure that would have quieted the voices of American citizens and destroyed the effectiveness of our national political parties.

Then, on the second vote, which was narrowed to only affect the two great political parties, there were 47 votes against that proposal, which is more than we had gotten on a much broader measure back in the first Congress after my party took over the Senate.

So I think it is safe to say there is no momentum whatsoever for this kind of measure which seeks to put the Government in charge of what people may say, when they may say it, and attempts to take the two great American political parties out of the process.

I thank the Senator from Arizona for retracting his statements on his web site which were highly offensive to the Senator from Utah and the Senator from Washington State. We took a look at the web site. Those have been deleted and we thank the Senator from Arizona for doing that.

Turning to the sequence of events over the last week, we began the debate on Wednesday, October 13. Admittedly, it was later in the day than the majority leader had intended. That was the day of the vote on the Comprehensive Test Ban Treaty, but those who were on the floor were ready to go and suggested we begin Wednesday night at 7:30 p.m. and get started on the bill. There seemed to be not a whole lot of desire on either side to begin at that time of the night.

On Thursday, Republicans offered Senator MCCAIN and Democrats an overall agreement providing for a vote on the Daschle-Shays-Meehan amendment, and providing that all other amendments must be offered by 5:30 on Monday. Consequently, this agreement would have outlined an orderly fashion for debate and final disposition of the campaign finance reform bill. That agreement was objected to by Senator MCCAIN and our Democratic colleagues.

On Friday, Republicans offered Senator MCCAIN and the Democrats an agreement that would provide for a time limit for debate on the Daschle-Shays-Meehan amendment and a vote in relation to that amendment. That agreement was also objected to by our Democratic colleagues.

Also on Friday, several efforts were made on behalf of the Republicans to proceed with amendments to the pending campaign finance reform bill. The minority leader and the assistant minority leader then offered first and second-degree amendments, thereby filling up the amendment tree. The first-degree amendment offered was the Shays-Meehan bill and the second degree was the McCain-Feingold bill. Cloture was then filed on each amendment in the order stated. Those cloture votes, of course, have just occurred.

Again, on Friday, numerous unanimous consent agreements were offered, largely by this Senator, in an effort to lay aside the pending Democratic amendments in order to proceed with the amending process. Those consent agreements were objected to by the Democrats and thus the Senate was put in a holding pattern awaiting today's cloture votes.

Yesterday, the Senate debated throughout the day the pending two amendments, and the Senator from Arizona made a motion to table the Reid second-degree amendment and the motion to table vote occurred at 5:45 yesterday and was defeated by a vote of 92–1.

The consent was offered to debate between 9:30 and 12:30 on Tuesday—today—calling for the cloture votes at 2 p.m. on Tuesday. That was objected to. Therefore, the Senate had no alternative than to convene at 1:15 today and use the cloture rule to have the cloture votes occur at 2:15.

For the benefit of those who may not have followed this debate quite as closely as the Senator from Kentucky, I wanted to lay out the sequence of events since last Wednesday when we went to the bill and the numerous efforts were made to have an open amending process so we could have a chance to improve a bill that obviously is fatally flawed.

As is the case in all measures of any controversy in the Senate, I think it is important to remember every controversial measure has to achieve a 60-vote threshold. That is not unusual. That is the norm. It should not be surprising that this highly controversial measure, which many people on my side believe is not bipartisan and not properly crafted, would be subjected to the same 60 votes as other controversial measures.

The majority leader and the Republicans lived up to their end of the agreement. We are disappointed the Democrats refuse to abide by it. I am equally disappointed to hear the Senator from Arizona and the Senator from Wisconsin have announced they now refuse to honor that agreement.

Mr. KERRY. Will the Senator yield?

Mr. MCCONNELL. No. I am about to yield the floor and you can say whatever is desired.

I yield the floor.

Mr. REID. Mr. President, I have enjoyed working with the Senator from Kentucky on this issue. He is certainly an expert at what is going on in the Senate. But I do say respectfully, he has over the years decided that the best defense is a good offense. Certainly, that is what he has done. One of

the biggest targets he has talked about during the last few days is the Democrats having stopped the Republicans from offering amendments to this bill. It is simply not true, as indicated by the fact the Senator from Minnesota offered an amendment yesterday. There was still room to offer three or four amendments.

It was chosen as a matter of tactics not to offer amendments and then talk about the fact they were not able to offer amendments. In fact, the majority could have offered all the amendments they wanted. They say, if cloture was invoked, the amendments would fail, well, that is the way it always works around here.

We simply wanted a vote on the two issues before this body: The House passed Shays-Meehan bill; and the so-called ''McCain-Feingold lite''—that is, to ban soft money.

That is what the debate has been about, an effort to avoid an up-or-down vote on those two very important issues that the American public deserve to have heard.

There was no holding pattern; the holding pattern was generated by the majority themselves, as indicated by the actions taken by the majority.

This is just the culmination of a number of things that we have around here. When the going gets tough, we go off the issue. The going was just getting tough on this issue. My friend from Kentucky can spin things; he is very good at that. Of course, everyone knows the Senator from Wisconsin and Senator MCCAIN have picked up eight Republicans we never had before. When the first votes took place on this issue, Senator BYRD was majority leader, we tried to invoke cloture seven times. The Democrats voted to invoke cloture on campaign finance reform, but we didn't have the support of Republicans, generally speaking—certainly not eight. We now have that.

I say to my friend from Kentucky, he can spin it however he sees proper, but the numbers don't lie. We are picking up Republican Senators every time we have a vote on this issue. We have eight now. That is a victory for campaign finance reform.

This debate should go forward, not be stopped now. As our Democratic leader further announced earlier today, there are issues we need to be talking about. We should be talking about the Patients' Bill of Rights—a real Patients' Bill of Rights, not the ''Patient Bill of Wrongs'' passed out of this body. We should pass a Patients' Bill of Rights as the House of Representatives did.

Minimum wage. Minimum wage is not for teenagers flipping hamburgers at McDonald's. People earn their living with minimum wage. Mr. President, 65 percent of the people drawing minimum wage are women; for 40 percent of those women, that is the only money they get for their families. Minimum wage is an issue we should be out speaking on today, now.

Juvenile justice: We have been waiting for 5 months for that conference to be completed. It is not close to being done.

Medicare: We talked about Medicare. We go home and we know the problems with Medicare. We did some things with the balanced budget amendment that we need to correct. We should be working on that right now.

Any time we have something important that is a little difficult, we walk away from it, just as we walked away from one of the most important treaty's to come before the Senate, the Nuclear Test-Ban Treaty. We had 24 Republicans that signed a letter saying they thought the treaty should not be acted on at this time, however, when the vote came, they all walked away. The fact of the matter is if they didn't like it in its present form, shouldn't we have had a debate on the Senate floor and maybe make some changes to it—just not vote it down. We were prevented from doing that.

So I believe we should go forward on this most important issue. This is the fourth time during this debate I have had the duty of managing, on the minority side, this bill, this most important campaign finance reform. This is the fourth time I have said this, and if I have the opportunity I will say it four more times.

The State of Nevada has less than 2 million people. In the campaign between HARRY REID and John Ensign almost a year ago, we don't know how much money was spent, but we know between the State party and Reid and Ensign campaigns we spent over $20 million. That does not count the independent expenditures. We do not know how much they were. John Ensign and I estimate it was probably about $3 million in ads run for and against us. If you use no other example in America than the Reid-Ensign race of last year, that is a reason to take a real, strong, close look at campaign finance reform.

Maybe after the two measures see the light of day and amendments are offered and we have a full debate, maybe they would be voted down. But should not we at least have that opportunity? I think after what happened in Nevada, if in no other place in America, we deserve a full airing of campaign finance reform. How in the world can you justify spending, in the State of Nevada, the money that was spent in that race? John Ensign and HARRY REID have said to each other, and said publicly: We never had a chance to campaign against each other for ourselves. We were buried by all this outside soft money.

Campaign finance reform, Patients' Bill of Rights, minimum wage, juvenile justice, Medicare—there are a lot of other things we should be debating. But right now—today, this week —in the Senate, we should be spending more time on campaign finance reform.

I say, as I have said on a number of occasions, I greatly appreciate the efforts of my friend from Wisconsin. Here is a person who put his career on the line for a matter of principle. He was the original sponsor of McCain-Feingold. In the election that occurred last year, he almost lost the election because he was buried by soft money. As a matter of principle, RUSS FEINGOLD refused to allow anyone to use soft money in the State of Wisconsin for his benefit. He offended people by saying: I know you are trying to help me, but I will not allow you to bring soft money in the State of Wisconsin as a matter of principle. He is still here. I have great admiration for him. I think what he has done for the people of the State of Wisconsin and this country is commendable.

If for no other reason, I believe he deserves a full debate in this. Of course he is joined with the Senator from Arizona.

We need to go forward on this issue. Personally, as has been indicated, I have supported the next measure the majority leader wants to bring up. But if I have an opportunity to vote on whether or not we are going to proceed to partial-birth abortion, I will vote no, even though I am a supporter of that legislation.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the assistant minority leader for his very kind remarks and his very strong remarks on the need to stay on this bill. I also thank the leader, Senator DASCHLE, for his strong remarks in support of reform in the presence of so many Democratic colleagues on the floor at that time right after the vote was taken. Of course my gratitude goes to the Senator from Arizona for continuing to fight.

We are making progress. The story has not yet been told on this floor of what just happened on this vote. Certainly I do not share the interesting account of the Senator from Kentucky, who seems elated that three Republicans who have stuck with him all the way did not vote with him this time. That is what just happened. That is what nobody is pointing out.

Day after day after day in this effort I am asked: What other Republicans are you going to get to support you, RUSS? I am never sure because, obviously, each Senator makes his or her own decision. They often do not make their decisions until the last minute because these issues are often tough calls. But we finally had a vote where we found out we have a lot more support than some people thought. This is why games have been played in the last couple of days. This is why we had the Senator from Kentucky voting not to table a soft money ban last night. I don't think he has changed his mind. But he urged every one of his Republican colleagues last night to, in effect, vote to ban soft money after they just stood out here for 2 or 3 days and argued against a ban.

Why? Why would they do that? Why did we not meet this morning? Why

didn't the Senate do anything this morning? Here we are, near the end of one of the most difficult floor periods in a Congress, with appropriations bills and many other matters before us, with the leadership telling us over and over again we need to get all this work done, but we did not meet this morning. I will tell you why. Because the Senator from Kentucky knows his support is slipping. He may have even known we would pick up the support—and I say this to members of the press and others who always ask me this: Who is going to support you? This time we had Senators from Delaware and Arkansas and Kansas vote with us, including Senators who have never voted with us before.

I recognize there are still some tough issues to resolve for some of the Senators who voted with us. But this is an exciting development. Last year the big deal was we had not gotten a majority. Then we got a majority. The natural question is, How do you get to 60 votes? My answer is, one at a time. But today we took three steps in that direction. I think that tells you what is going on. They want to move off this bill because we are moving in the right direction. We are not there yet but, boy, we are getting closer.

What will bring us to the end of this process, a fair end of this process? First of all, the understanding we had is that we would have 5 real days of debate and amendment. You cannot count starting at 7:30 at night on a Wednesday when Senators had left the Capitol as a day. So we are entitled, under this understanding, to come back in here the rest of today and tomorrow and debate this issue. We had three full days on this bill—Thursday, Friday, and Monday. On two of those days we had no real votes. Then today, the fourth day, we didn't come in until 1:15 pm. That is not the five days of debate that we were promised.

I know there are other Senators on the Republican side who want to join us, who want to add to the 55. But they want something every Senator has a right to want. They want a chance to offer amendments. They have some ideas they would like to add to this soft money ban that I think could be acceptable, and they could finally help us break down this absurd roadblock to banning this form of corruption that is affecting the Senate.

Make no mistake, three new Senators have voted with us. They do not represent an ideological group from the left or the right. They are just different Senators who, I believe, have finally had it with this soft money system. This is why the Senator from Arizona and I used the strategy of simplifying this bill, of saying let's at least have an up-or-down vote on soft money. That is what we just had. I find what these Senators did very encouraging. I thank them because it takes guts. It is tough to stand up to your leadership on this. They did it. I am grateful for this vote. It is very significant.

So we should not leave the issue now. This is the time to let those Senators, and other Senators who have indicated an interest in banning soft money, come to the floor, offer their amendments, and see if we can fashion a compromise that could cause the Senate to be proud and to join the House in trying to actually do something about this problem.

I thank all the Senators who will assist us in preventing this matter from coming off the floor. It belongs on the floor. It is the most important issue before this country, and we need to continue to work on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I ask unanimous consent my comments not count under the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, first of all, I thank Senator MCCAIN and Senator FEINGOLD for their efforts, though I must say I take exception to the comment of Senator MCCAIN which he made earlier. He is my very close friend. I have worked with him very closely on a lot of issues. But when he suggests there is a bipartisan opposition to reform, I think he is not paying tribute to the fact that no Democrat voted against cloture. No Democrat voted against proceeding to the full measure of germane amendments that would precede the bill. So even though the Senator from New Jersey, Mr. TORRICELLI, may feel very strongly about not just dealing with soft money, he was prepared to accept the verdict of the Senate in a normal process of amendment. This is not bipartisan in opposition. There is only one group of people who voted against proceeding to campaign finance reform, only one group, and I regret it is entirely on the other side of the aisle, the Republicans, because, obviously, we are not trying to make this partisan.

We were very grateful for those courageous Republicans who decided the time has come to vote for campaign finance reform. Obviously, we want them. We desperately need more Republicans who are willing to embrace campaign finance reform.

But the fact remains that on the critical votes of whether or not the Senate was prepared to eliminate the extraneous amendments, have cloture, and proceed to the process of debating this bill, not one Democrat said no to that. It was only Republicans who have stopped the Senate in its tracks.

Where do we find ourselves? What did the Senator from Kentucky say? He recited a few days of histrionics, a few days of sort of maneuvering. We had a whole morning, this morning, as the Senator from Wisconsin was saying, where we could have debated this. Why didn't we debate this morning? The Senate did not even convene until 1 hour prior to having the votes, and that was because under the consent order previously entered into, with the two cloture votes, those votes were going to take place 1 hour after the Senate convened.

So what could be more convenient? Convene the Senate as late as possible so that you have no time to debate and then proceed to have two votes. Why? Because you cannot turn up the heat on the issue; because the television cameras will not be on; because the galleries are not open; because the American people will not be sharing in a real debate about the impact—the corrosive impact—of money on the American political system.

And our 47 and 48 colleagues on the other side of the aisle who stand there and close down the process ought to take a sampling of the people who are in the galleries. I know we are not allowed to do that, but I bet if you asked every single one of them, as they leave this Chamber, ''Do you think there is too much money in American politics? Do you think the money gains access to the system? Do you think the money distorts the process? Do you think the money somehow does favor for certain issues over the general interests?'' Every single one of those people, or at least 85, 90 percent would tell you, yes, there is too much money in American politics, and it separates the average citizen from the people they elected to represent them. Overwhelmingly, Americans believe that. And, overwhelmingly, Americans understand there is a connection between what happens in Washington and what does not happen in Washington and all of the contributions.

This is the fight that some of us came to have: The fight over whether or not we are going to have a fair political system.

I understand a lot of our friends on the other side of the aisle do not want to change the system. Politics has a certain amount of self-interest in it; and the self-interest of getting reelected is a powerful one. A lot of our colleagues over on the other side of the aisle have a lot more money available to them than Democrats.

I was outspent in every election I ran in until the last election when a Republican agreed with me to do something different. We had a fair playing field. He was a sitting Governor. I was a sitting Senator. So you know what we did. We both banned soft money—no soft money in our campaigns; we banned independent expenditures—no independent expenditures; and we actually reached an agreement that we would both limit ourselves to how much money we would spend in our race.

Then we did something else different. We had nine 1-hour televised debates so the people in our State could share in a good, healthy exchange about the issues that matter to them.

So you can do it differently. You can do it differently. But if a lot of incumbents sit here and say: Boy, I like that money; it's so much easier for me to go

down to the Hyatt Hotel or the Hilton Hotel or the Sheraton and have an event; and there are a whole lot of people who can afford the flight, the air ticket to Washington, and then can, after the air ticket, afford to bring a big check to me, come and meet me for a little while, and I can collect a whole lot of money—that way, I can fund a campaign—that is pretty easy. Most challengers in this country cannot do that.

The end effect of that is literally to strip away the vibrancy of our own democracy because what happens is the money is very well represented. But the points of view that do not have the money are not as well represented. And no one here can deny that. No one here can deny that.

We have heard a lot of talk in the last few days about corruption. We have heard about the way money corrupts politics, about how it corrupts the system. I express my admiration to the chairman of the Commerce Committee, my friend who is on the floor of the Senate. I think he has a lot of guts. He has a lot of courage to come to the floor of the Senate and tell a lot of people the truth. And a lot of people do not like to hear it.

So it got very personal last Friday—very personal—as we got led off into a tangential debate where one Senator was challenging Senator MCCAIN, was challenging him to name names, lay out for us a list of those in the Senate who have been corrupted.

I say to my colleague who was asking that question: Where does that line of questioning take us? Where does that line of questioning take us? No Member of the Senate that I know of runs around impugning the character or the integrity of another colleague. That is not what the Senator from Arizona was doing.

What the Senator from Arizona was doing was having the courage to point out that we are all prisoners—something he knows something about. But in this case, we are also the jail keepers because we have the key. We have the ability to release every single one of us from this prison—where we have to go out and raise these extraordinary amounts of money, where we allow ourselves to be proselytized by groups of people who spend $100 million a month in this city, either to get us to do something or to stop us from doing something. Think about it.

Then go out and ask how many of the average Americans are contributing to that $100 million. Ask the folks working two or three jobs, ask the folks who pay their taxes and struggle to send their kids to a good school, and who know their kids need technology and child care and health care and a whole lot of other things if they feel well represented by that $100 million.

How many of them are lined up outside the Commerce Committee or the Banking Committee or the Ag Committee, or any other committee, when we have a markup around here?

How many of them can afford to send a young messenger to wait in line, from the early hours of the morning, so they are assured of having a seat where the action is taking place?

I think we ought to get away from the side arguments and the side diversions and understand what the Senator from Arizona, the Senator from Wisconsin, the Senator from Minnesota, and a whole lot of other Senators, a majority of the Senate, think about that, a majority.

This is not some wild-eyed, crazy fringe, tiny group of Senators who are somehow trying to stop the Senate from doing business. This is a majority of the Senate who believes the time has come to have campaign finance reform. Oh, sure, we all know the rules say it takes 60 votes. That is a supermajority. We all understand that. But on the great fights of the Senate, people were willing to stay and fight. It took 6 weeks, I think, of filibuster for the Civil Rights Act to pass. We can go back in history through a lot of other great debates of the Senate. It took a long time, with serious work, serious meetings, serious efforts to try to reach agreement.

Let me give Senators a critical fact concerning the perception among the American people today. I don't think anybody can disagree with this. Some people want to avoid it, but I don't think an honest, intellectual assessment would allow them to disagree with it. Every poll shows it; every conversation anybody might have, even with the top corporate chieftains of this country. I have talked to some of the top CEOs of some of the biggest Fortune 500 companies in the country about how they feel about fundraising—from a Democrat or from a Republican. Those are the people who are increasingly turning off the current system. They are scared. They don't voluntarily get out of it.

There are a few who have. The committee of businessmen that has come together with a new plan has had the courage to say: We are not going to give to Republicans, and we are not going to give to Democrats, either. I have heard so many of these CEOs say: I know it is bad; I know it is corrupting. I don't like it; I don't want to be part of it. But if I unilaterally stop doing it, my competitor will be at the table, and I won't be at the table.

That is what happens. So they don't do it. The fact is, the majority of Americans believe the amount of money spent on campaigns gains a special access to the political system for those who are most capable of contributing, whatever side they are on, whatever side of the issue.

Let's assume, for the sake of argument, no Senator is affected by the money that is given. Take the word ''corruption'' off the table, as it applies to any specific act of any legislator. Ask yourself, by fairer judgment, if the group that wants to achieve goal A can go out and raise tens of millions of dollars and have the ability to then load that money into campaigns for people who will vote for what goal A is, and the people in goal B are all pretty poor or don't have access to money or aren't organized and don't have the ability to contribute the same way, but their goal may be equally worthy or, in fact, more worthy, is there a fairness in the system? Is there a form of corruption of the political process, not of the people but of the political process, that denies the kind of fair playing field I think is at the heart of the kind of democracy this country wants to provide its citizenry and for which it really stands?

I think the perception of that unweighted playing field, the perception of that unfairness ought to concern every Member of the Senate.

We can sit back and point to our own personal integrity. We can say we don't make decisions on public policy based on campaign contributions. The truth is, we are extraordinarily exposed to the general awareness and perception and belief and cynicism that is now attached to the system which says that the money speaks and that it makes a huge difference.

I think such a significant portion of Americans are affected by this that, in point of fact, the standard set up by the Supreme Court with respect to the perception of corruption is met.

When the Senator from Kentucky—I will talk about this a little later—talks about the first amendment, there is a sufficient test under first amendment standards that would allow the Court to make a decision in favor of some restraints. They have already done that. They did it in 1972, in 1974. We certainly have the right to do it now.

I ask my colleagues, every year 20,000 Americans are poisoned with the E. coli bacteria when they eat contaminated food. They have found tuberculosis in beef, and two-thirds of chickens contain the potentially deadly campylocbacter bacteria. That is not a finding of politicians. That is what scientists tell us. But in spite of the rapid spread of food-borne illnesses, we haven't responded. We haven't done anything. Walk into a room of 50 ordinary Americans and tell them we haven't done anything to promote public health needs on this issue, that every single bill that has come before us on food-borne illnesses has been killed, and then tell them the food industry has made $41 million in campaign contributions to congressional candidates over the last 10 years. Almost every person who hears that will say: I bet you there is some kind of connection there.

Seventeen thousand people were killed by drunk drivers last year. Mothers Against Drunk Driving, the National Safety Council, and hundreds of other organizations formed a coalition to pass stricter standards on drunk driving, in order to keep drunk drivers off the road and get tougher on them when we catch them. Almost

everyone agrees this would save lives. But the regulations didn't pass. Surprise.

Ask the average person on the street if they think our inaction on something as obvious as that has any connection to the over $100,000 spent by Alcohol Wholesalers, by the National Restaurant Association, Wine and Spirits Wholesalers, other alcoholic beverage organizations, that gave to both sides, Democrats and Republicans alike. Ask them if they think there is a connection.

Last year, we tried to do something to respond to the fact that every day 3,000 kids become smokers. We know, because the doctors and scientists tell us, that half of those children will wind up dying early and costing us enormous sums of money in our medical care system until they ultimately die from their addiction. Ask the average American if they believe all our legislative efforts on tobacco fell apart, or at least in any part was it connected to the fact that Philip Morris and all the other big tobacco companies spent millions of dollars over every year for several years in contributions to both parties to hundreds of candidates for the House and the Senate. Was that a spending in the general public interest? Was that a spending in the interest of the Nation?

Certainly—and I agree with my colleague from Kentucky—if it wasn't spent to elect a candidate, if it was spent to sell the virtue of tobacco or of something that had nothing to do with an election, certainly that fits under the first amendment. I understand that. That is a separate issue that can be dealt with separately.

I think we have to be even more frank than that in sort of acknowledging the kind of connection people perceive. The truth is, I think all of us know, to varying degrees, we are trapped in a reality where big money gets its calls returned. Big money gets its meetings. Big money gets the face time it asks for and looks for. We can see it in all of the fundraisers that take place in this city and in other parts of the country. Every single one of us is sensitive to that reality. I understand that.

There are very few Senators who don't work hard to try to undo that, the notion of the walls of the prison, if you will. I don't think Senators like it particularly. Some are content to live with it, even though they may not like it. The reality is, nonetheless, it changes the way the institution operates.

We only have to listen to someone such as Senator BYRD, the former leader, who has seen it on every side and has seen it change over the years that he has been in the Senate. He will tell us how the Senate has changed in the way it operates because of the amount of money in our system today.

I say to my colleagues, rather than put current Members on the spot, listen to what some of our colleagues who have retired from Congress, who are liberated from having to raise the money, who are out of the system, have said about the current game in which they were once trapped.

Representative Jim Bacchus, a Democrat from Florida:

> I have, on many occasions, sat down and listened to people solely because I knew they have contributed to my campaign.

There is an honest statement by a former Representative. I don't expect all my colleagues to stand up and say that, but that is what he said.

When asked whether Members of Congress are compromising the institution of Congress when they solicit contributions from the special interests they regulate, former House minority leader Bob Michel, a Republican from Illinois, said simply:

> There is no question. I don't know how you even change that. It is a sad way of life here.

That is a former leader in the House of Representatives, and a Republican.

I don't have the quote, but I remember my friend, Paul Laxalt, one of the closest friends of Ronald Reagan, who, when he left the Senate, said unequivocally:

> The amount of money being raised in the U.S. Congress was corrupting the process, and it was having a profound impact on the quality of the U.S. Congress.

Listen to what former Representative Peter Kostmayer said:

> You get invited to a dinner somewhere, and someone gives you money, and then you get a call a month later and he wants to see you. Are you going to say no? You are just not going to say no.

Why do the special interests give money? I think everybody would agree that former Senator and majority leader George Mitchell was a man of enormous integrity. He led the Senate. He has been leading the peace talks in Northern Ireland, a person of huge integrity, a former U.S. district judge, a former Senate leader. George Mitchell summed it up saying:

> I think it gives them the opportunity to gain access and present their views in a way that might otherwise not be the case.

That is fundamentally the flaw. The Senator from Kentucky and others can take umbrage at the notion of the use of the word ''corruption,'' but you don't have to be specifically corrupt in some way that breaks the law to be sharing in a general corruption, an ''impairment of the integrity,'' as Webster defines it, of the institution, and the integrity of this institution is impaired by the current system.

I mentioned a moment ago some of the best minds in the business community—CEOs and others—who have shared with me, and I know with other colleagues, that they find the current system nauseating, sickening. They are tired of being ''shaken down''. That is their term, not ours. I know there are letters that have been sent by Members of the Congress to those groups that don't give. People have been threatened not to give to the other party. People have been threatened. These stories have all appeared in the Washington Post, New York Times, Los Angeles Times, Boston Globe—stories all across the country. People believe if they don't play the game on the fundraising circuit, they will lose out in the subcommittees, the committees, and on the floor.

We saw, this summer, that some prominent business executives joined a coalition for campaign finance reform, called the Committee for Economic Development. They promptly received a letter from the Senator from Kentucky, chairman of the National Republican Senatorial Campaign Committee telling them in no uncertain terms:

> If you disagree with the radical campaign finance agenda of the CED, I would think that public withdrawal from this organization would be a reasonable response.

So what is the message there? The business leaders told me what they thought the message was. They said: We find it ironic that you are—

This is what they sent to Senator MCCONNELL. This is their response to the people who are trying to keep us from voting for campaign finance reform. The business leaders wrote:

> We find it ironic that you are such a fervent defender of First Amendment freedoms, but seem intent to stifle our efforts to express publicly our concerns about a campaign finance system that many of us believe is out of control.

I don't raise these issues to suggest in any way that any individual Member of this body is corrupt. I am not saying that, nor is the Senator from Arizona. But the system is leading us all down a road that diminishes the trust of the American people in this institution and that diminishes our connection to the American people and therefore their faith in the system of Government and in the capacity of this Government to do what our Founding Fathers wanted it to do.

This is less and less a real democracy, and more and more a ''dollarocracy,'' a democracy mostly decided and impacted by the amounts of money that can be raised and spent, and not by the quality of the ideas that are put forward and debated in the great manner of Lincoln and Douglas and others who took ideas to the American people.

Are we scared of ideas? Do we have to pitch every idea in a 30-second advertisement, or a 60-second advertisement, and flood the airwaves with seductive, distorted, completely contrived messages, rather than laying out to the American people a series of facts and relying on them to choose?

I have been here now for 15 years, and every year I have been here we have tried to achieve campaign finance reform. In fact, I was the author, together with Senator Boren, Senator Mitchell, and others, of an original effort that had a component of public financing. We actually passed that on the floor of the Senate when the Democrats were in the majority. President Bush vetoed it. Subsequently, we got

as many as maybe 46—I think it was—votes for a bill that might have had some component of public financing.

But, each year, as the Republican majority has grown, the number of people willing to embrace a broader set of reforms has also diminished, leaving us now with a stripped-down version of McCain-Feingold—stripped-down to the point that many people on our side of the aisle fear that it may have the unintended consequences of the 1974 reforms; that if you do one component of reform, but you don't have a fair playing field, you simply unleash torrents of money into other sectors that may wind up having a negative impact on the ability of people to be elected.

I think we have to act. I say to my colleague from Kentucky, the notion that the members of the media are going to sit there—those who have covered the Senate for years—and believe that 4 days of truncated, half-hearted debate somehow represents a legitimate effort on campaign finance reform is beyond anything credible. I don't think a member of the media could believe that when we sit here and say, well, we went to this last Thursday, and on Friday half of the Senate left to go home, and on Monday half of them hadn't come back, and on Tuesday morning there was absolutely no debate at all, and then we had two votes, and pretend somehow that the Senate has done anything serious about campaign finance reform. What a farce. What a joke.

My colleagues on the other side of the aisle need to understand that this is an issue that isn't going to go away. We must begin to be serious about having a fair playing field—and I do mean a fair playing field, not trying to jockey it for Democrats or for Republicans but deciding as a matter of common sense how we can approach an election.

We are supposed to be the premier democracy on the face of this planet. We are supposed to be setting the example for people in other parts of the world. And more and more people look at our system, and say: That is what it is all about? They spend $20 million in States such as Nevada chewing each other apart trying to prove what an evil American the other guy or woman is. How extraordinary.

I think everybody on our side of the aisle was prepared to go into long and serious meetings. We are prepared to caucus. We are prepared to have efforts to try to decide how we can come up with a fair playing field. We ought to have a real debate because we need to understand that the costs of campaigning are eliminating the capacity for fully representative government for most Americans. Some people do not believe that. I know my colleagues on the other side of the aisle argue with fervor that the first amendment is represented by money, and the more money you can raise, the fairer it is. You can go out and campaign.

In 1996, House and Senate candidates spent more than $756 million. That is a 76-percent increase since 1990. And it is a sixfold, 600-percent increase since 1976.

The average cost of a race in 1976 was $600,000 for a winning Senate race. The average cost went to $3.3 million.

Many of us in 1996 were forced to spend more than that. My race in 1996 was the most expensive race of that year in the country—a paltry sum compared to the Senator from California. I think she and her colleague had to raise upwards of $20 million, and I think perhaps $30 million was spent against Senator FEINSTEIN. I am not sure of Senator BOXER—but somewhere in that vicinity. My race in Massachusetts was cheap compared to that. We had only $12.5 million, maybe $13 million for 6 million people.

In constant dollars, we have seen an increase of over 100 percent in the money spent for Senator races from 1980 to 1994.

I know Senators don't do this. Not every Senator is raising money every single week. But many are because of the vast sums they have to raise. But on average, each Senator has to raise $12,000 a week for 6 years to pay for his or her reelection campaign. That is just the tip of the iceberg now because we have had this incredible explosion in soft money.

Soft money represents everybody taking advantage of the loopholes. It wasn't the intention of campaign finance reform or Congress to allow soft money. I must admit some Democrats managed to develop that loophole rather more effectively at the outset than some Republicans. It doesn't make it right.

In 1988, Democrats and Republicans raised a combined $45 million in soft money; in 1992, that number doubled to $90 million; and in 1995 to 1996, that number tripled to $262 million.

Do you know where it comes from? It comes from U.S. Senators who are passing legislation making telephone calls, or having meetings with high-powered corporate types, or very rich people who write checks for $50,000, $100,000, $200,000, and $300,000. Indeed, I believe the last year, in 1996, there were nine people in America who wrote checks for $500,000.

That is where it comes from. And don't let anybody kid you. It goes into campaigns. It wasn't meant to originally. But now it goes almost directly into campaigns.

So you, frankly, have corporations and a lot of big money directed into the campaign process which was never the intention of the U.S. Congress back in 1974 when they passed campaign finance reform.

Do you know why ordinary citizens believe they are being shut out? Do you know why the average American doesn't believe the system is on the up and up? Do you know why the average American thinks big money gets influence over their money? I will tell you why. Because fewer than one-third of 1 percent of eligible voters donated more than $250 in the electoral cycle of 1996.

I want to repeat that. Why do people think the system is out of whack? Because fewer than one-third of 1 percent of all the eligible voters in America gave more than $250 in the electoral cycle.

Think what would happen in this country if we invited people, as we used to do in the Tax Code, to take a tax deduction for a $50 or $100 donation. And those tax deductions, when people were encouraged to take them, in fact, added up to about $500 million a cycle, which would have paid for almost all the races back then. You could do it with small donations, if they wanted to—if they wanted to. But they like to go out and get the bigger dollars. One-third of 1 percent of Americans contribute over $250.

Ask most Americans what they think they are capable of giving to campaigns or are able to contribute, and you will get a sense of the great divorce in this country, a huge gulf, a Grand Canyon of campaign finance gap that is separating the average American from the political process.

Then we have another problem in the system—the issue ads. These are those ubiquitous TV and radio ads bought by all kinds of special interests to persuade the American people to vote for or against a candidate. Usually, these ads are negative. They are usually inaccurate. But they are one of the driving forces of the American political process today. They violate the spirit of campaign finance laws in the country. Of course, they do.

Listen to what the executive director of the National Rifle Association Institute for Legislative Action said. He said:

> It is foolish to believe there is a difference between issue advocacy and advocacy of a political candidate. What separates issue advocacy and political advocacy is a line in the sand drawn on a windy day.

Mr. President, the American people want us to fix this system.

An NBC-Wall Street Journal poll shows that 70 percent of the public believes campaign finance reform is needed.

So what the Republican Party is doing today is saying, well, we don't care what 70 percent of the American people are willing to do. They are unwilling to pass campaign finance reform that is fair, unwilling even to deal with it in a serious way.

Last spring, a New York Times poll found that an astonishing 91 percent of the public favor a fundamental transformation of the system.

I believe we ought to be able to deliver on that kind of reform.

Some of our colleagues believe that reforming the current finance system in a comprehensive manner would violate the Constitution. The constitutionality of a ban on soft money could raise questions. I think the issue of a total ban on soft money, depending on how it is structured, could conceivably be worked out in a thoughtful and artful way. But the point is it is fundamentally a sham issue as it is being

presented by the other side. And the first amendment is being used as a shield to prevent the proper scrutiny of this issue and to prevent us from changing it.

The truth is there are ways that you can reform the system within the confines of the first amendment.

On the critical soft money issues, leading constitutional scholars and former ACLU leaders agree that banning soft money contributions will not violate the Constitution if properly constructed. And we forget that the Supreme Court in Buckley versus Valeo held that limits on individual campaign contributions do not violate the first amendment. It simply cannot be said the first amendment provides an absolute prohibition of any and all restrictions on speech.

When State interests are more important than unfettered free speech, that speech is appropriately allowed to be narrowly limited.

Speech is already limited. We know in cases of false advertising and obscenity. And I think it is clear that under the limits of Buckley we can deal with the risk of corruption or the appearance of corruption and the warranted limits on individual campaign contributions.

The ban proposed in McCain-Feingold simply requires all contributions to national political parties be subject to the existing Federal restrictions on contributions to those parties that are used to influence Federal elections, and it would bar State and local parties from raising soft money for activities that might affect a Federal election. Groups remain completely free to spend as much money as they want on speech.

This is a red herring, a straw man. It is well used, I might add, by the Senator from Kentucky, but it is wrong. I am convinced the courts would ultimately hold it so, were we to do our work properly.

We've also heard that if we ban soft money, we will unconstitutionally infringe upon the rights of special interest groups to engage in free speech. I would respectfully suggest that there is some real confusion here. The ban proposed in McCain-Feingold would simply require that all contributions to national political parties be subject to existing federal restrictions on contributions those parties use to influence federal elections, and it would bar state and local parties from using soft money for activities that might affect a federal election. Groups would remain free to spend as much as they wanted on speech—they simply could not funnel that money through the political parties.

Another favorite argument offered by those opposed to reform is that we already have bribery laws to prevent corruption and the appearance of corruption. This argument ignores the fact that the Supreme Court in Buckley explicitly considered and rejected the same claim. The Court said that it was up to Congress to decide whether bribery and disclosure laws were enough to address the federal problem with real and perceived corruption. A majority of the Members of the House and Senate do not believe the bribery laws are sufficient to limit corruption or the appearance of corruption.

Opponents of campaign finance reform are vehement that any effort to control or limit sham issue ads would violate the first amendment. They argue that as long as you don't use the words ''vote for'' or ''vote against'', you can say just about anything you want in an advertisement. But that is simply not what the Supreme Court said in Buckley. It said that one way to identify campaign speech that can be regulated is by looking at whether it uses words of express advocacy. But the Court never said that Congress was precluded from adopting another test so long as it was clear, precise and narrow. It is exactly that kind of test that is included in Shays-Meehan and that I hope can be put back into the reform bill we are debating here today.

I believe reasonable people can come together and work through these first amendment questions. Certainly that ought to be a challenge the United States Senate is capable of meeting. And I believe that if we can do that we can move on to a question no longer of whether to reform the campaign system, but how.

I believe that the amendment offered by our minority leader would help us embrace reform. Though not a cure, embracing the Shays-Meehan model passed in the House treats the most serious symptoms that threaten the health of our whole democratic system.

Let me say again, this amendment is by no means sweeping reform. It does not limit spending by candidates. It does not replace private campaign contributions with clean money. But, it does address two of the most serious problems with our current, broken campaign finance system. It bans soft money and it clamps down on phony issue ads. We must attack both of these problems simultaneously if our campaign finance system has any hope for recovery.

And I would remind the Senate that even those of us who agree that there is a serious problem have different ideas on how to fix it, or what aspect in particular most desperately needs a cure.

I have long been an advocate of one particular kind of reform. I joined Senator WELLSTONE once again this year in offering a clean money bill that would take special interest money out of the political system. But I am a realist. The Senate is not yet ready to embrace something as broad as clean money, in spite of its merits. that is not going to happen yet, but I continue to hope and believe that it will someday.

In the meantime, we must focus on finding a remedy for the worst of the problems from which our campaign finance system suffers. I believe Shays-Meehan can do that.

And, Mr. president, I believe we can move this debate forward and pass this legislation if we can avoid the hot-button issues on both sides, the poison pill amendments we've encountered again and again which have stopped us in our tracks.

One amendment which particularly worries me is the so-called paycheck protection amendment. Some of my colleagues on the other side are advocating that unions obtain written authorization from all union members before using any portion of union dues for political activity. The amendment would not require corporations to obtain the same written authorization from shareholders before using corporate treasury funds used for political activity. Proponents of this amendment complain that union dues are used to run issue advocacy campaigns that are really thinly disguised electioneering. However, rather than closing the issue advocacy loophole, which would comprehensively solve the problem, my colleagues on the other side would inhibit unions only while leaving corporations as well as conservative advocacy groups untouched.

If paycheck protection were passed, it would limit almost all political activities by unions, not just use advocacy. It would gut the funds the unions use for internal communications activities, particularly get out the vote activities. Rather than adopting this inherently unfair amendment, which would target only unions, a better solution is to close the issue advocacy and soft money loopholes. I hope my colleagues on both sides of the aisle will join me in opposing a paycheck protection amendment if one comes up.

Mr. President, I hope we can avoid those poison pills, I hope we can actually pass something this week, and that we can support the campaign finance reform bill that was passed in the House, so that we have the tools to remedy both sham issue ads and soft money.

There is an awful lot riding on this debate. Because we have been down this road before, many think the result is a foregoing conclusion. In a front page article last Tuesday, the Washington Post stated,

''. . . opponents of reform will rest easy in the knowledge that nothing will be accomplished.'' I hope the Post is wrong. I believe we can make the system better. We are not going to take all of the steps that would be necessary for a cure, but we can take care of the parts of the system that are hurting all of us the most. And that is a course of action on which all our citizens—and this Senate—ought to be able to agree.

I urge the Senate not to turn away from a real process where we sit together, work through the objections, have honest debate and discussion, and allow the Senate to work its will on the floor of the Senate rather than

walking away again from one of the most urgent needs as expressed by our fellow citizens in this country.

I yield the floor.

Mrs. BOXER. Mr. President, I thank the Senator from Massachusetts. He is eloquent on this subject.

I am grateful we have been able to extend the debate on campaign finance reform at least a little bit because of this motion that has been made. On the other hand, it was our understanding we were going to be on campaign finance reform for 5 days. Sadly, we didn't have the expectation met that we would be 5 days on this particular matter.

I know the Senator from Michigan is here. I ask unanimous consent upon completing my remarks the Senator from Michigan be recognized.

The PRESIDING OFFICER. The Presiding Officer in his capacity as the Senator from Washington objects.

Mrs. BOXER. Mr. President, it is hard for me to understand why my friend objects, but that is his right to do so.

I wanted the Senator from Michigan to be heard because he is feeling very strongly this particular vote we are going to have is as important as the other two votes we took on the procedural matter of cloture. If Senators believe we should have campaign finance reform, they should vote against the motion to proceed to an abortion issue that truly should not be coming before this Senate. I will have more to say on why I believe that to be the case. The Senator from Michigan, Mr. LEVIN, I am sure, will get the time on his own accord at the appropriate moment.

As Members know, the Democratic side of the aisle was not going to object to going to the abortion issue—although many do not believe it is the right time to do so—we would not object to that and we would have been willing to go to that. It would have meant as soon as the debate was finished on that abortion issue, we would have gone back to campaign finance reform. Because of the parliamentary maneuver of the majority leader, Senator LOTT, we will not be able to go back automatically to campaign finance reform if we vote to proceed to the abortion question.

I make a case for voting against that. I think the best case to make is the issue we have been trying to debate for the last few days, the issue of campaign finance reform.

I stood on this floor last week and admitted, with all eyes upon me, I was a user of the campaign finance system, I was good at it, I was better at it than my opponents. I know how to use the system. I have been in Congress since 1983. I learned very well by making mistakes early in my career that Members need the resources in order to answer the charges that are thrown against them.

I say the system is broken for three reasons. One, the average person doesn't believe in this system. They have tuned out. They don't vote because they believe, rightly or wrongly, that it is the people with the money who are the people with the access who essentially control this agenda. They feel very left out of the system.

Second, there is an appearance of corruption. Everyone who partakes in this system plays the game that to many Americans appears to be corrupt. We all play it well. The system has the potential to corrupt, and the system, at a minimum, has the appearance of corruption.

Third, this system takes too much of our time away from our work, away from our jobs.

I see the Senator from New York. I am proud of the kind of campaign he ran. I know it was as hard for him as it was for me to raise the kind of money we raised. We are good at it. We know how to do it. It is not necessarily to our benefit to change the system, but we know how bad it is.

My friend from Minnesota, Senator WELLSTONE, and I were talking about dialing for dollars, when we are up and we are hoping no one is on the other end, hoping it is an answering machine so we can leave our message because it is so demeaning to have to call total strangers we have never heard of —had 100,000 donors to my campaign; I didn't know the majority of those donors—to have to ask them for money. This is not why a Senator is elected.

The system is broken and needs to be fixed. People are not voting because they don't believe in the system.

What does the majority leader do after a couple of days of debate? He wants to take campaign finance reform out of here. He wants to take it off the Senate floor. I think I see a pattern emerging in the Senate Chamber which I don't think is particularly good for the American people.

Campaign finance reform, wheel it out the door tomorrow.

The test ban treaty, we had a majority vote for that. Wheel it off the floor.

Minimum wage, block it from ever coming. Lock the doors. We don't want to hear about minimum wage, even though we are in an economic recovery and the bottom economic class is not benefiting from it. The least we can do is raise the minimum wage a few cents an hour. We can't even get that through the door.

He doesn't want sensible gun control. We passed it over his objection. The majority party doesn't want it here. It was wheeled out the door, into a conference committee, never to be heard from again. How many more of our children have to die before we bring that back and vote in those sensible gun control measures?

The majority doesn't want real health reform. We passed a sham bill. The House passed a good one. How about going to conference, strengthening health reform so people can see the doctor they need to see, when they need to, that they can get the tests they need when they need the tests and they can live a good quality of life. No, that is shut out, wheeled out of here, never to be heard from again.

School construction, nowhere in the majority's bills; 100,000 cops on the beat, nowhere in the majority's bills; school construction to begin to fix up the school classrooms, nowhere here, out the door.

This is becoming a killer Congress—kill everything the people want, including campaign finance reform.

I ask unanimous consent to have two editorials printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the San Diego Union Tribune, Oct. 19, 1999]

CAMPAIGN FINANCE REFORM—TIME FOR A VOTE ON ENDING SPECIAL INTERESTS' REIGN

Unpopular because of his relentless crusade to block campaign finance reform, Sen. Mitch McConnell, R-Ky., is resorting to stoning the messenger.

Rising on the Senate floor recently, McConnell indignantly challenged Sen. John McCain, R-Ariz., co-sponsor of the campaign finance reform bill, to specify which senators have been corrupted by special-interest contributions. McConnell's theatrics were seconded by Sen. Robert Bennett, R-Utah, objecting to McCain's suggestion that lawmakers could be bought or rented.

Coolly refusing to take the bait by naming names, McCain recalled last year when Senate Republicans were assured by their leadership that they needn't fear electoral repercussions from voting against an anti-tobacco bill, because the industry's political action committees would generously support their re-election campaigns.

McCain could have recounted many other examples where big contributors have wielded inordinate influence over the Senate. The open secret on Capitol Hill is that, the bigger the contributions, the greater the access.

Former Sen. Don Riegle, D-Mich., conceded as much when he was accused, along with four other senators, including McCain, of receiving $1.4 million to run interference for Charles Keating while he ran a California savings-and-loan institution into the ground. Although McCain was a bit player in this sleazy process, he was scarred by it nonetheless. That may help explain why he's so committed to sanitizing the system.

The bill that he authored with Sen. Russ Feingold, D-Wis., would ban soft money, which is unlimited contributions that political parties collect and spend to promote their candidates. The reform measure may not completely cleanse the system. But it would put a crimp in the current process, which amounts to little more than legalized bribery.

For all his fulminations about protecting the sanctity of free speech, McConnell knows that special-interest money rules. In fact, he's altogether comfortable with a system under which the National Rifle Association shoots down gun-control bills, the oil lobby secures lower royalty payments, and the telecommunications industry benefits from legislation that lawmakers passed largely on faith.

These and other well-heeled interests make out very well because they have invested plenty in lawmakers who repay their favors. That is precisely what McCain means when he says Congress has been corrupted by special-interest money. And that's why Republican and Democratic lawmakers alike support his bill to help clean up this mess.

The question is whether McConnell and Senate Majority Leader Trent Lott, R-Miss., will permit a floor vote on the reform measure. Or will they resort once more to procedural gambits and strangle it?

[From the Bakersfield Californian, Oct. 19, 1999]

CAMPAIGN REFORM VITAL

Senators should be allowed to vote up or down on a proposal to overhaul a federal campaign finance law. Then, if the bill by Sens. John McCain, R-Ariz., and Russ Feingold, D-Wis., does pass, the courts can sort out a potential constitutional issue.

Instead, opponents of a proposed ban on so-called soft money are vowing a filibuster—a non-stop talk-a-thon that prevents debate on an issue. It is a parliamentary ''don't-let-'em-get-a-word-in-edgewise'' maneuver. The filibuster can be broken only if opponents muster a two-thirds vote in favor of open and free debate—more than the majority vote needed to pass the subject legislation itself. Soft money is a contribution made in federal elections to political parties for activities that are not supposed to support a specific candidate. The idea was to stimulate public awareness of elections and issues with such tasks as voter registration drives and get-out-the-vote efforts.

However, critics of the practice wisely note that experience shows a huge influx of money from well-heeled interests—corporations, unions, special interest groups. The effect is to overwhelm potential access to the campaign process by individuals.

Worse, with some clever use of the funds, they can be directed to help build awareness among voters of issues being emphasized by specific candidates. The real-world effect of the practice is to void the very theory of soft-money; emphasize issues and process, not specific candidates.

In doing so, it creates an end-run around other rules which set dollar limits on contributions that can be made directly to candidates. Those limits are designed specifically to level the access playing field by making all sources of influence roughly equal.

It is worth noting that the House of Representatives—which does not allow filibusters and whose members have the grind of seeking election every 2 years—were shamed into passing a version of the bill. But senators, who have the comparative luxury of six-year terms, are balking at even allowing a vote on the issue.

Opponents of the McCain-Feingold soft-money limits piously say the law would inhibit the ability to buy advertising, and hence limit politicians' freedom of speech. This from a minority of senators who are muzzling free speech on the bill???

The issue of whether campaign finance laws are unconstitutional needs serious consideration. It is getting it where it should: in the Supreme Court.

Let the Congress propose, the courts dispose. Vote on and pass McCain-Feingold.

Mrs. BOXER. Mr. President, I find these articles interesting because they are editorials from two Republican newspapers in my State, the San Diego Union Tribune and the Bakersfield Californian. Normally I would not be reading their editorials into the RECORD because I usually do not agree with them, but I agree with them on this. Because I do not want to mention the name of any Senator, I will leave it out. The article from the San Diego Union Tribune says:

For all the fulminations about protecting the sanctity of free speech [this particular Senator] knows that special-interest money rules. In fact, he's altogether comfortable with a system under which the National Rifle Association shoots down gun-control bills, the oil lobby secures lower royalty payments, and the telecommunications industry benefits from legislation that lawmakers passed largely on faith.

This is pretty extraordinary for the San Diego Union Tribune. Of course Senator FEINGOLD has been on this floor daily, reading us this list of contributions and showing how it lines up with the legislation that is taken up on this floor. I assure you, the people who need an increase in the minimum wage are not making contributions to any of us, OK? I assure you they are not. They cannot. They can barely put food on the table. No wonder they cannot even get their bill heard.

Then the Bakersfield Californian says:

Opponents of the McCain-Feingold soft-money limit piously say the law would limit the ability to buy advertising, and hence limit politicians' freedom of speech.

And they say:

This from a minority of senators who are muzzling free speech on the bill?

That is interesting, by taking off the floor this bill for which a majority voted, they are muzzling us. That is why this vote tomorrow is so important.

I want to make a couple of points about the bill waiting in the wings to come back on this floor for the third time. It is called the partial-birth abortion bill. There is no such thing as a partial-birth abortion. Ask any doctor. This is a made-up term. It is either a birth or it is an abortion. But it is fiery language. It makes people think that a woman is waking up at the end of her pregnancy and saying: I have changed my mind. Nothing could be further from the truth.

What this bill is about is banning a procedure doctors say they need to save the life and health of the mother. The Senators want to come in here and play doctor and say what procedure can and cannot be used on my daughter and on everybody's daughter in the country. They are going to do it again, even though they do not have the votes to pass it over the President's veto, and even though across this country that ban has been ruled unconstitutional in 20 different states.

So we are going to throw out campaign finance reform to go to a bill that does not even belong here. This subject belongs at the medical schools and in the hospitals and clinics across the country. They are the folks who have to decide how to deal with a medical emergency in the late term of a pregnancy.

There is not one Senator in this Senate who favors abortion in the late term—not one. We have all voted for various bills to say no. What we do say is this: If it is an emergency to save the life of the woman, to spare her health, to keep her fertility so she can have other children, then it is up to a physician to decide.

We are going back to that bill. I will be debating it along with my colleagues. There will be various alternatives. But let's be clear, let's not pull any punches here; it is all about politics. They think it is an issue that gets them some votes out there.

I hope people will listen to the debate because I don't think people elected us to come here and be doctors. They go to the hospital to see a doctor, not a Senator, and they come to the Senate to hear Senators, not doctors. It is ridiculous. If 100 physicians walked in with their coats on and tried to evict us from our chairs, they would be arrested. But we come and we pass legislation telling doctors they are going to go to jail if they do something to save a woman's life or her health. Something is wrong. This does not belong here.

But we are going to go to this bill for the third time. The President will veto it for the third time. We will uphold his veto for the third time. We will talk about it for the third time, and we will protect the life and the health of the women in this country for the third time.

In the meantime, we are throwing off the Senate floor issues that can get through this Senate and can get a signature from this President: the minimum wage, 100,000 teachers, school construction, campaign finance reform. We can do it. We have a majority who believe in it. We can clean up the system.

I wish to say a special word about the Senator from Michigan. He has shown tremendous leadership on this issue over the years. He has seen this as a moment where we can stand our ground and keep this bill on the floor of the Senate. I look forward to his remarks as well as to those of the Senator from New York. I am proud to have voted for every campaign finance reform measure that ever came down when I was in the House. Even when I was on the board of supervisors in Marin County many years ago this subject came up. So it has been many, many years. Maybe now, with this vote tomorrow, maybe now we can get 51 people to say: Keep campaign finance on the floor.

My very last point: I ask unanimous consent to have printed in the RECORD one more letter.

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

OCTOBER 18, 1999.

Hon. TRENT LOTT,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LOTT: Saturday, October 23, will mark the one-year anniversary of the assassination of Dr. Barnett Slepian, who was murdered in his home in Amherst, New York. As you are undoubtedly aware, there have been five sniper attacks on U.S. and Canadian physicians who perform abortions since 1994. Each of these attacks has occurred on or close to Canada's Remembrance Day, November 11. All of the victims in these attacks were shot in their homes by a hidden

sniper who used a long-range rifle. Dr. Slepian was killed. Three other physicians were seriously wounded in these attacks.

Federal law enforcement officials are urging all women's health care providers, regardless of their geographic location, to be on a high state of alert and to take appropriate protective precautions during the next several weeks. Security directives have been issued to all physicians who perform abortions for clinics or in their private practices, and to all individuals who have been prominent on the abortion issue.

Senator Lott, on behalf of our physician members, and in the interest of the public safety of the citizens of the US and Canada, we urge you to reconsider the scheduling of a floor debate on S–1692 at this time. As you are aware, each time this legislation has been considered, extremely explicit, emotional, and impassioned debate has been aroused. We have grave fears that the movement of this bill during this particularly dangerous period has the potential to inflame anti-abortion violence that might result in tragic consequences.

We sincerely hope that you will take the threats of this October-November period as seriously as we do, and that you will use your considerable influence to ensure that the Senate does not inadvertently play into the hands of extremists who might well be inspired to violence during this time. We urge you to halt the movement of S. 1692. Please work with us to ensure that the senseless acts of violence against US citizens are not repeated in 1999.

VICKI SAPORTA,
*Executive Director, National Abortion Federation.*
EILEEN MCGRATH, JD, CAE,
*Executive Director, American Medical Women's Association.*
WAYNE SHIELDS,
*President and CEO, Association of Reproductive Health Professionals.*
GLORIA FELDT,
*President, Planned Parenthood Federation of America.*
PATRICIA ANDERSON,
*Executive Director, Medical Students for Choice.*
JODI MAGEE,
*Executive Director, Physicians for Reproductive Choice and Health.*

Mrs. BOXER. Mr. President, this is a letter signed by the National Abortion Federation, Planned Parenthood Federation, American Medical Women's Association, Medical Students for Choice, and the Executive Director of Physicians for Reproductive Choice and Wayne Shields, President and CEO, Association of Reproductive Health Professionals.

This is a serious letter. This letter points out this is the very worst time to go to this abortion bill. This letter points out that ''Saturday * * * will mark the one-year anniversary of the assassination of Dr. Barnett Slepian, who was murdered at his home * * *'' while he stood in his living room; ''* * * five sniper attacks on U.S. and Canadian physicians * * * since 1994.''

I have to say this group is very concerned; this is not the time to bring up this bill. What is the rush to bring up this bill this week? Unfortunately—they sent this letter to Senator LOTT—from what I understand, they did not get an answer. They are saying:

Senator LOTT, on behalf of our physician members, and in the interests of the public safety of the citizens of the U.S. and Canada we urge you to reconsider the scheduling of a floor debate on S. 1692.

That is the bill we are going to go to.

As you are aware, each time this legislation has been considered, extremely explicit emotional and impassioned debate has been aroused.

They write, and I think this is very serious, I say to my friends:

We have grave fears that the movement of this bill during this particularly dangerous period has the potential to inflame anti-abortion violence that might result in tragic consequences.

This is a simple request. Wait a week or two before bringing this bill to the floor. So I think it would be good if we didn't go to this bill right now. I am very willing to debate it any time, any day of the year, for hours. I will stand on my feet. I will talk about the women who had this procedure who might have lost their lives or their health had they not had it. It is not a problem for me. We are going to be able to sustain a veto with this President. But at least we should put it off for a week if we are being asked to do that.

For so many reasons, I hope we will not proceed to this abortion bill. If we do, we will be on the floor, we will talk about it, but I hope we will not go to it. I hope we will continue our work on campaign finance reform.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from California for her inspiring words, as well as the Senator from Michigan for his leadership on this issue. I will not speak for a long time, but I felt compelled to rise because we really are at a crucial time in a debate on campaign finance reform.

We have debated this bill for a few days. Most of it has been on Friday and Monday, when most of the Members have not been here. The debate is just beginning to reach its fulsome place. We need to continue this debate.

Campaign finance reform has been an issue that has been debated for over a decade. Scant progress was made. We made more progress on the floor today, when 55 Senators voted for the McCain-Feingold bill, than we have made in a long time. And those who wish to nip that progress in the bud are not for campaign finance reform.

If anyone ever needed a distinction—there is a lot of rhetoric going on and a lot of little cloudmaking machines to hide what is going on—look at the vote. If you were for campaign finance reform, you voted for that proposal; and if you were against, you voted against it—even modest campaign finance reform.

Many of us bit our tongue when we voted for it because it is a small step, a very small step—the simple abolition of soft money. It is not even what the House did. I would expect, on a lofty issue such as this, the Senate to lead but instead the Senate trails far behind even the House of Representatives and certainly the American people.

And now, when we want to continue the debate, there is a move to shut off that debate. I would certainly ask my 10 colleagues on the other side of the aisle who voted for this modest proposal not to shut off debate, if you are serious about campaign finance reform. We have not even begun the amendatory process.

I have an amendment, along with the Senator from Illinois, that is very simple: When issue committees put ads on television, they should have to disclose where the money comes from—no prohibition, no limitation, simply disclosure. Isn't it unbelievable we would support a campaign finance bill and not have disclosure of where people are spending that money? The public certainly has a right to know about that.

My good friend from Kentucky has been arguing the first amendment for a very long time. I don't know why we don't see the same passion on other first amendment issues as we see on this one, but so be it.

But the amendment the Senator from Illinois and I will be proposing is a first amendment type of amendment: disclosure, sunlight, sunshine. If a big corporation, any other big interest—it could be an environmental group or a labor group or some group that I generally support—puts money out there, large amounts of money, to make their viewpoint known, the public ought to know, particularly in these days when advertising can be so deceptive. We have groups called citizens for fair this and fair that, when they are really interest group shields. Come clean.

Allow that amendment to be debated. I think if the amendment were debated, it would pass. It has had some bipartisan support. Even the Senator from Nebraska has indicated a likelihood of support. But if we cut off debate, simply after the two cloture motions, we will have no chance to debate that amendment and other amendments. I think this amendment would strike a balance that would satisfy most people.

So we sit in this Chamber. Today we began at 1:15. It is not that we are out of time; it is simply that those on the other side of the aisle do not want to debate this issue. They want to put a dagger in the heart of campaign finance reform and by not debating don't even want to leave fingerprints. With the cloture votes today, I say to my colleagues on that side of the aisle, your fingerprints are all over that dagger that killed campaign finance reform.

There is not even a pretense, so at the very least let us debate it. Let us

spend some hours reminiscent of the great days of the Republic and the Senate debating this issue, which is a very serious issue about how we govern our country. Let the debate be full. Let there be dialog. Let there be amendments.

I worry about the future of this Republic. We have a great structure. The Founding Fathers were truly geniuses. The more I am around, the more I respect their genius. We have a great economic system, which the world emulates, that promotes entrepreneurialism, that allows anybody, no matter how poor they start out, to rise to the top. But we have a poison eating at us, and that is the mistrust that the public has of the Government. That mistrust is more caused by the way we finance campaigns than any other single issue. It creates the partisanship people decry.

When I went home to New York, I got lots of that this weekend because of the Comprehensive Test Ban Treaty. It promotes the feeling that an individual citizen cannot have any influence on the Government. It promotes a view that it is not one-person/one-vote, but one-dollar/one-vote. Those views we do not even have to comment on their veracity. I think there is a lot of truth to them. But it certainly creates a mistrust, a distance between Government and the people.

In an era where things move quickly, in an era of global competition, in an era where we all have to work together as one, this is poison. We have a chance to take a modest step. It is not everything I would want—not even close—but it is a modest step. We made real progress today. We got more votes than we thought we would. Two Senators on the other side of the aisle who had not voted for campaign finance reform before have voted for it now. Maybe if we debate this for another few days, we will not win any more votes, but maybe we will. Maybe someone will offer an amendment that strikes some kind of unity, some kind of feeling of bringing us together.

The issue is too important to brush aside. The issue cries out for full debate. To move off now, just as things begin to get going, is wrong and tragic, if that does not overstate it, because I think the issue is so important for the Republic.

So I make a plea to the Senator from Kentucky and the Senator from Mississippi: Don't cut off debate. Don't use your legislative prerogative and might to shut this debate down. Let it continue. Let the debate continue. Let amendments, such as mine, be offered. Let amendments, such as others have proposed, be offered. Let the chips fall where they may. But to shut off debate in this untimely manner is a travesty of this body and for the American people.

Mr. President, I yield back my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, what I would like to do now—not to bring any final disposition to this matter—there have been people coming on and off the floor. The Senator from Washington is here. If he would be recognized next, then Senator LEVIN after that, and then Senator REED after that.

Mr. REED. Could I——

Mr. REID. Senator REED before Senator LEVIN.

Mr. WELLSTONE. Senator WELLSTONE before everyone.

Mr. REID. Senator LEVIN, and then Senator WELLSTONE. And then following Senator WELLSTONE, on our side, Senator BOB GRAHAM from Florida. If any Republicans come in the interim who want to speak, we will stick them in so there is a balance.

Mr. GORTON. Mr. President, I will object to the request at least in the form in which it was presented. It seems to me there ought to be a right for anyone on this side of the aisle to speak first, after the conclusion of any speech on that side of the aisle. If the request is only for the order of speaking of Members of that side of the aisle, with the clear understanding that if a Member on this side of the aisle wishes to succeed one of them, that he or she may do so, then I will not object.

Mr. REID. I say to the Senator from Washington, that was part of the consent. I already said that. If somebody wants to come in from the Republican side, they would step right in following the Democrat.

Mr. GORTON. With that understanding, I will not object.

Mr. REID. I say to the Chair, the reason for this is we have people who have been waiting for hours, not knowing when they are supposed to come. I appreciate the consent of the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, for all of the hours that have been spent on the debate on the particular bill that has been before the Senate, this year's form of McCain-Feingold, I believe it was summarized best, with the most striking degree of contrast to the paradox imaginable, last Friday by the distinguished Senator from Wisconsin, Mr. FEINGOLD. He came to the floor of the Senate and specifically singled out the Microsoft Corporation, based, of course, in the State I represent, in an attempt to make a direct link between campaign contributions and/or contributions to political parties and the appearance of political corruption. In order not to misstate in any respect, I will quote briefly from the remarks of the Senator from Wisconsin:

> Apparently Microsoft and their allies are not seeking to directly affect the litigation that is being conducted with regard to Microsoft by the Justice Department at this time; what they are trying to do, according to this article [an article in the newspapers on that day] is cut the overall funding for the Justice Department's Antitrust Division. In this context, if somehow things don't look right, there is the ever present possibility that there would be an appearance of corruption.

The Senator from Wisconsin then went on to relate how he recently read that Microsoft Chairman Bill Gates is the world's wealthiest individual. This led the Senator from Wisconsin to say:

> I have no idea what Microsoft's or Bill Gates' actual contributions are, and I am not suggesting that they are making those contributions to influence funding of the Justice Department. But for us to create a scenario where Mr. Gates could give unlimited amounts of money rather than the old $2,000 of hard money, or a Microsoft PAC could give more than $10,000, to just have it be unlimited I believe almost inherently . . . creates an appearance of corruption that is bad for Microsoft, bad for the Justice Department, and bad for the country.

It is 2 weeks ago that the General Accounting Office issued a report indicating the Department of Justice had spent, so far, $13 million in a lawsuit that it has brought against the Microsoft Corporation. Included in that $13 million is a considerable amount of money for public relations efforts on behalf of that lawsuit.

I think much of the speculation fueled by those public relations experts is that the Department of Justice, if it has the opportunity, may well ask the court literally to break up what has been the most successful single corporation, the single corporation most responsible for the dramatic change in the way our economy is run of any corporation in the United States. So we have an administration and a Government spending $13 million to prosecute a case against this corporation, speculating that it may ask for the breakup of the corporation. But for the CEO of that corporation to spend more than $2,000 in political contributions or for its political action committee to spend more than $10,000, that is an appearance of corruption which must be controlled by the Federal Government.

The bill the Senator from Wisconsin was promoting at the time he made this speech would say that corporation and that individual could not give $1, either to the Republican or the Democratic Party or to any of their subsidiary organizations, designed to be used for the education of voters or indirectly for the election of an administration more favorable to entrepreneurship in the United States. And this is denominated campaign election reform designed to deal with an appearance of corruption. Absolutely amazing—the Microsoft Corporation, not accused of doing anything wrong at all but simply because a Member of this body or the Department of Justice itself says there might be an appearance of corruption, should be deprived of any effective means of defending

itself in a political court of public opinion. The Government can spend $13 million or twice or three times $13 million engaged in the prosecution; the company cannot attempt to influence either the amount of money the taxpayers give to that Department of Justice or, more profoundly, the nature of the next administration that may or may not follow the same antitrust philosophy itself.

Now, I guess I can lay it out. I am the Senator from the State in which Microsoft is located. Close to 15,000 of my constituents are employed by that company. They have transformed not only my State and my constituency in a magnificently positive fashion but the entire United States of America and have had a tremendously positive impact not only on America's image in the world but on its economic success in the world.

You bet I defend them. You bet I hope in my next political campaign I will have its support. I already do, to a certain extent. That is totally public and above board. I would be totally remiss in my duties if I didn't do so. But to say, in a world with a Government that may be trying to destroy the company, that it is appropriate for this body to tell it that it effectively cannot participate in the political system or, for that matter, its employees can't effectively participate in preventing the Government from destroying their livelihoods in the corporation that they bring up is bizarre. Apparently, those who want to change the laws and ban political parties from raising so-called soft money say they do it to remove the appearance of corruption. But they will define what the appearance of corruption consists of so once anything that they dislike is described by them as an appearance of political corruption, all limitations are off. They can do whatever they want. They can restrict first amendment rights guaranteed by the Constitution of the United States in whatever way they would like to restrict them. The first amendment may permit, to an almost unlimited extent, pornography, but it doesn't guarantee the right of an individual or a group of individuals operating through a corporation to defend their livelihoods and their existence.

At the outset of this debate, the proponents were asked to come up with any incidents of actual corruption. In fact, they go out of their way to say there aren't any, or there aren't any that they know of, or there aren't any that they are willing to report. But they say: In our mind's eye, the present system creates an appearance of corruption; therefore, we can say to Microsoft, we can say to General Motors, we can say, for that matter—in theory, as they work through political parties—to liberal individuals or interest groups that you cannot contribute one dollar to the political party of your choice, to the political party you deem is most likely to allow you to conduct your business and your affairs in a profitable and constructive manner.

No attack on the first amendment rights of free speech could be more open or blatant than that. It says, simply, once we use those magic words ''appearance of corruption''—and we will define that phrase and we will define every activity that can be described by that phrase in our minds—we can then tell you that you are out of business; you can no longer participate, except with very modest contributions directly to candidates of hard money. And this philosophy isn't limited to the rather bizarre nature of the bill before us, which says that of the 5,000 to 7,000 registered organizations that say they want to participate in the political system through the use of soft money and so-called issue advertising, it prevents only six of them from doing so—three Republican formal organizations and three Democratic formal organizations.

This bizarre bill says it is perfectly all right to contribute this money to any of the other several thousand such organizations, but it is only the historic political parties in the United States, around which we have organized for almost our entire history, the activities and support of which somehow or another create an appearance of corruption.

Now, of course, the original McCain-Feingold bill did go beyond that and did say that no matter how seriously your most passionate interests as an individual or a group are attacked by the Government, or by a rival political organization during the last 60 days before an election, you could never mention the name of the candidate for office. Well, I think, for all practical purposes, we all know that proposition is simply blatantly unconstitutional. It flies in the face of the first amendment to the Constitution of the United States.

But, this afternoon, at least for the more than 1 hour that I listened to speeches on this subject, the actual bill that is before us was almost not mentioned at all. All of the criticisms were aimed at the money chase through which candidates go, the demeaning nature of having to ask people directly for money to fund candidates' activities. But neither in McCain-Feingold 1 nor McCain-Feingold 2 is that subject dealt with at all. Not a word, not a line has anything to do with contributions to individual candidates.

''McCain-Feingold lite'' has to do only with contributions to political parties for purposes other than the direct advocacy, election, or defeat of a particular candidate. How that is supposed to corrupt the process is, for all practical purposes, unstated. There is not the slightest allegation that Members somehow do things that they would not otherwise do because someone has given their political party an amount of money that can't be used directly for their own election.

''McCain-Feingold heavy'' is hardly a selfless effort on the part of any Member of this body because what ''McCain-Feingold heavy'' says is that your name, Mr. President, my name, and the names of all other Members can't even be mentioned in one of these ads for 60 days before an election. Boy, that is certainly comfort for the political class—take everyone out of the business for the last 2 months before an election of communicating their own ideas about candidates independently of a candidate himself or herself.

Now, we are also told that we didn't get enough time to debate this matter and that the debate wasn't broad enough. I was here when we came very close to a unanimous consent agreement for a week's worth of debate on this issue. The whole thrust of that set of negotiations was that we could start with whatever the Senators from Wisconsin and Arizona wished, but there would be lots of amendments—amendments from the Democratic side of the aisle, amendments from the Republican side of the aisle, and several votes on a wide range of ideas.

But what actually happened was, on the second day—I must say, over the objections of the Senator from Arizona, who sits right in front of me—the minority leader and the minority whip set up a situation under which nobody else's amendments except theirs could be brought up, until theirs were completely dealt with.

My friend and colleague, the junior Senator from Nebraska, Mr. HAGEL, came down here with a proposal in which I joined that said, OK, let's have a little bit more balance; let's increase the amounts of hard money contributions that we like—almost, though not quite, back to the level they were in 1974, in real dollars. And then at the same time, we will impose soft money limitations of the same amounts in which we have hard money limitations. There are even a few Members on the other side of the aisle who thought that was an idea worthy of discussion. But we weren't allowed to discuss it. We weren't allowed to put that one up. They used their perfect parliamentary right to squeeze it down to their own proposals. And now they complain because their own proposals could not get a sufficient number of votes to bring them to any kind of final decision.

Now, in an ideal world, I don't think we should limit either of these kinds of contributions. I think we should make them all public and make them public promptly. But if we are going to do so, I can't see the slightest rationale in the world for saying that the limitation in certain forms of speech to six organizations across the United States of America is zero, while limitations on everyone else with that kind of money do not exist at all, and limitations on direct contributions of candidates are so low as a result of 25 years of inflation that anyone who truly wants to participate has to do it in a different division.

One of the primary reasons more money goes every year into so-called soft money contributions is the fact

that hard money contributions directed to candidates are increasingly limited simply by the passage of time and by inflation. But then, of course, there would be other forms of soft money that aren't even remotely covered by even the broad version of McCain-Feingold. That is the political advocacy of every major media in the United States—of newspaper, radio station, and television station. What is the value of those contributions on editorial pages across the country? Does the average citizen who is brought up having an interest in government have the same influence over the political process as the editorial director of the New York Times? Of course not. Does that individual have the same influence as the head of Common Cause or the National Rifle Association or the AFL-CIO? Of course not. Both latter organizations are at least membership organizations which sometimes to a certain extent reflect the views of their members.

The newspaper editorial writer reflects only the views of the newspaper owner or the newspaper publisher or the decisionmaker within that newspaper. Of course, those newspapers want to limit other people's voices. From their perspective, the first amendment is the total protection, from their view, and it is. But to exactly the extent they can limit the voices of others, their voices will be heard more loudly. And little is heard about the fact their voice is louder than that of the average citizen. But the first amendment does not say everyone has an equal voice in the public marketplace. It does say everyone has an equal vote in an election. But with respect to the marketplace and political ideas, it simply says Congress shall pass no law abridging the freedom of speech. And every member of the Supreme Court of the United States of America in 1974, when the last case came before it, said that freedom of speech to be effective does allow and require the use of money to make it carry further than any of our individual voices do on a windy day out of doors—every single one of them.

So the idea that somehow or other all voices have to be heard equally is not only not found in the Constitution, it is not found in any free society. To allow the Government to try to determine what voice each person sends is exactly a power James Madison and the draftsmen of the first amendment said they would not allow the Government to do.

Let me return to the point at which I started, which does at least have a virtue of dealing with the bill that is before us and not the lamentations of many of the Members on this floor that have nothing to do with the bill that is before us.

They are saying, in effect, in one instance named by the Senator from Wisconsin, that a company now being prosecuted by the Federal Government may not participate effectively in the political world out of which that prosecution grew, may not participate effectively in supporting candidates or a political party that will have a profoundly different view on antitrust laws. The Government can spend an unlimited amount of money. Editorials writers can write an unlimited number of editorials. But the very subject of that prosecution, the very subject of those editorials, cannot participate effectively in the political process that brought about the prosecution in the first place.

The very statement of that kind of limitation is an argument—in my view an overwhelming argument—against this proposal at the present time. The marketplace of ideas is disorderly. The marketplace of ideas is open. The marketplace of ideas is often dominated by those who have the most ideas, the greatest stake in whether or not they carry. No citizen is limited in his or her participation. But each citizen can spend as much of his or her time and effort and money as he or she deems necessary at least to see to it those ideas are heard effectively by the people of the United States in a free country.

I deeply hope Microsoft and the employees who work for it in my State and elsewhere will have decided by this time next year that they need a new administration with a very different direction of the United States in order to keep providing for this country the kind of leadership they have provided. I am not sure I have persuaded them of that yet, but if I do, and if others do, they should not be artificially limited with the statement that freedom of speech is for someone else but, for all practical purposes, not for you when your very existence is threatened.

That is what this is all about. And I don't think views on the floor of the Senate—or at least the votes—are going to be changed by another week's worth of debate.

I am unhappy only with an alternative idea, somewhat more reasonable and somewhat more balanced, that the very tactics of the people who are now protesting the end of this debate prevent this presentation.

We will try at least to put it in play for the next time around. But for now, it seems to me appropriate to move on to another subject.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REID. Will the Senator withhold for a second?

Mr. REED. I withhold.

Mr. GORTON. Mr. President, will the Senator from Nevada yield to me for a procedural request?

Mr. REID. Yes.

ORDER OF PROCEDURE

Mr. GORTON. Mr. President, I ask unanimous consent that a vote occur on adoption of the pending motion to proceed at 9:50 a.m. on Wednesday, October 20, with the 20 minutes prior to vote equally divided between the majority leader and the minority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. Mr. President, under those circumstances, for the majority leader, I can now say that in light of this agreement, there will be no further votes today. The next vote will occur at 9:50 a.m. tomorrow.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, thank you.

First, let me thank the Senator from Michigan for graciously allowing me to precede him. I also understand he may have a parliamentary inquiry.

Mr. LEVIN. I thank my good friend from Rhode Island. I wonder if I could propound a parliamentary inquiry without the Senator from Rhode Island losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. There has been a lot of confusion about whether or not the bill was amendable prior to the cloture vote, and whether it would have been amendable after the cloture vote had cloture been invoked.

Parliamentary inquiry: I ask whether the tree was filled basically prior to the first cloture vote.

The PRESIDING OFFICER. Prior to the cloture vote, an amendment to the Wellstone amendment was in order. If cloture had been invoked, the Wellstone amendment would fall, and an amendment to the bill then would have been in order.

Mr. LEVIN. If cloture had been invoked after the disposition of all pending germane amendments, would the bill have been open to amendment?

The PRESIDING OFFICER. Once an amendment had been agreed to upon which cloture had been invoked, then further amendments would have been appropriate.

Mr. LEVIN. If the amendment had not been agreed to but had been defeated, would the bill have been open to amendment?

The PRESIDING OFFICER. It would still be in order.

Mr. LEVIN. I thank the Chair.

Mr. REED. Mr. President, I rise with regret. Again, we are on the verge of abandoning substantive votes on campaign finance reform. This is an issue of vital importance to the American people. It is of vital importance to the majority of Members of this body.

We are here today because of the efforts of many, but particularly the efforts of Senator MCCAIN and Senator FEINGOLD, who have advanced this issue relentlessly over the course of the last several years. I regretfully and unfortunately fear we will step away once again from this debate, step away once again from consideration of this important topic. This is detrimental not only to this body, but also to the American people, who desperately want to see changes to our campaign finance system. I am disappointed because we have come very close collectively in this Congress to a principled reform of our campaign finance system.

The other body has passed legislation which is comprehensive. They have passed legislation which is now embodied in an amendment filed by Senator DASCHLE and Senator TORRICELLI. I believe this legislation goes a long way towards addressing many of the problems that confront our campaign finance system. It is not perfect. It is not absolutely complete. But it is a powerful corrective to the current problems we find in our campaign finance system.

The amendment which Senator DASCHLE and Senator TORRICELLI have advanced, known popularly as the Shays-Meehan amendment for the sponsors in the other body, does several important things. First and foremost, it bans soft money. Unlike the McCain-Feingold legislation, it bans all soft money—not just soft money directed at political parties.

Although we speak in these terms constantly, soft money, hard money, et cetera, I want to point out that soft money is unregulated contributions from corporations and individuals, typically very wealthy individuals, that are increasingly commonplace in elections throughout this country.

The Daschle legislation bans all such soft money contributions with respect to Federal elections. I believe that is the best way to proceed. Even though the McCain-Feingold bill is noteworthy and important, I fear simply banning money from political parties will drive these contributions to other formats, other forms, other forums.

Campaign dollars, like water, find their own level. When one channel is blocked, another channel will be pursued. Unless we have a comprehensive approach, unless we ban all soft money, rather than eliminating this problem we will merely redirect and reposition these soft dollars into other forms.

The second important point with respect to the Torricelli and Daschle legislation, is that it recognizes a relatively new phenomena in campaigns, sham issue ads, which are really campaign ads which are unregulated. They are dressed up to talk about an issue, but they are really about attacking candidates. Unless we have some disclosure, some regulation, these ads will become more prevalent and more pernicious in our campaign system.

The third point that the Daschle-Torricelli bill addresses is improving disclosure by the Federal Elections Commission and enforcement by the Federal Election Commission. It is not sufficient to have laws and rules on the books; they must be enforced. We all understand and believe that the more knowledge the American public has about campaign contributions and their sources and uses, the more comfortable they will feel with the political system.

Finally, this legislation which Senator DASCHLE and Senator TORRICELLI introduced establishes a commission to study further reform. All of these points are necessary. They don't completely solve all the issues that confront our campaign finance system, but they go a long way towards advancing the cause of fundamental campaign finance reform.

Personally, I believe one of the problems we face is the escalation of spending on elections throughout this country and that we should address this issue of unlimited spending. None of the legislation currently before the Senate goes that far, but I believe we have to review and visit that issue when we again commence our debate on campaign finance reform.

This issue of campaign finance reform is not an academic, hypothetical, theoretical concern. It comes directly from the concerns of the American people. It is manifested by their increasing cynicism about the political system. It is manifested by their increasing indifference to the forms of government, to elections, to voting. This cynicism and indifference weakens our civic connections, weakens the foundation of our government—which is at heart the belief by our people in its fairness, efficiency and its service to them. All of this can be traced in part to the growing cynicism towards the campaign finance system.

These public phenomena have been measured by various surveys. In August, the Counsel for Excellence in Government released a survey conducted by Peter Hart and Robert Teeter, a Democratic pollster and a Republican pollster. They found less than 40 percent of the American people believe in the immortal words of President Abraham Lincoln: Our government is by and for the people.

Rather, they believe it is a captive of special interests, and the lure the special interests use are campaign finance dollars.

In the past, people have been disillusioned with big government and unaccountable bureaucrats. Today, they are cynical and disillusioned about the flood of cash flowing through the campaign finance system.

Another survey in January of this year, the Center on Policy Attitudes, found continuing record high public dissatisfaction with government. This finding supports the notion that people believe that government, and particularly elections, are not about ideas and policies, but about money. Money is talking and the American public's voice is being drowned out.

We must counter this—but we don't counter this type of public perception by walking away and abandoning campaign finance reform; rather, we counter it properly, correctly, and appropriately by debating and voting on substantive campaign finance reform.

I have made it clear my preference is for legislation along the lines of Senator DASCHLE's and Senator TORRICELLI's amendment, essentially accepting the work of the other body in the Shays-Meehan legislation, moving it forward, letting the President sign it, and letting the American people know that we are listening to them; we hear them, and we want to respond positively to their concerns and their growing uneasiness with our campaign finance system.

We are all trapped in a system that no one seems to like. The public does not like it and candidates are increasingly uneasy and concerned about the need to raise huge amounts of money, the constant effort needed to do that, and the perception of their efforts with respect to their obligations as public servants. Donors are increasingly troubled by the system. Indeed, many prominent business men and women throughout the country have banded together to support comprehensive campaign finance reform. It seems we are engaged in a race to the bottom—a race to see not what idea will prevail but how much money one can raise; to not just express a message but to drown out all other messages.

Another disturbing aspect of this process, campaigns now are being wrenched away from the candidate. One of the more disconcerting aspects of recent campaigns, a candidate can be out there making his or her case and suddenly be informed there is a TV ad from some unknown group from someplace in America arguing against them, advocating their defeat. All of this suggests we have to do something about our campaign system.

As I mentioned, the other body has stepped forward. They have given us legislation. We are very close, if we embrace this legislation, to passage of fundamental campaign finance reform. I hope we will take this step, but it appears increasingly clear we are abandoning our obligation to the American people. We are stepping away from votes on the substance of campaign finance reform, be it the McCain-Feingold legislation or the Daschle-Torricelli legislation. I believe that is a mistake. I believe the American people want us to act responsibly; they want us to act promptly; they want us to do what they sent us here to do, which is their business. And their business in the campaign finance area is putting in place reasonable restraints on spending.

A lot has been said about the marketplace of ideas, and that any fetters on campaign contributions would somehow affect the marketplace of ideas. There very well might be a marketplace for ideas in today's campaigns, but it is a market with very high barriers to entry, barriers that require extensive fundraising to overcome. It certainly is not perfect competition because the American people believe their voices cannot compete with the voices of large corporations or wealthy individuals who can, through direct contributions to candidates and indirect contributions of soft money, get their messages across on television or in the advertising media. What many people fear is that elections have become less about candidates and ideas and more about auctions. They find that instinctively repelling.

We have a chance to act. We should act. Regretfully, today we are forsaking that obligation. We are turning away from campaign finance reform. We are abandoning an obligation we should meet. I regret that. I hope we can proceed with this debate and move to votes on these measures, but I fear that will not be the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, tomorrow we will be casting the critical vote which will decide whether or not those of us who are in the majority will insist that this body continue on the debate on campaign finance reform. This will be the vote that counts. This will determine whether the majority will back off because our bill is being filibustered. This is a real test vote tomorrow in the battle to close the soft money loophole.

We knew it was not going to be easy. We knew this was going to be filibustered. But it is not the first time that major legislation involving key democratic principles has been filibustered on the floor of this Senate. Those of us who favor closing the soft money loophole, reducing the influence of huge contributions in political campaigns, it seems to me, now have to be just as committed, just as determined, just as passionate in our beliefs as the opponents are in their beliefs.

The opponents have every right to filibuster our bill. The rules allow filibusters. We ought to change those rules, but until we do, most, if not all, of us participate, from time to time, in cloture votes, making the other side get to 60 before we proceed. But just as the minority has a right to filibuster a bill, those of us who are in the majority have the right to say we are not going to back off just because a bill is being filibustered. We are not going to give up our effort. Rather, we are going to say to the opponents of this bill who are in the minority and who are filibustering our bill: That is your right and you have a right to exercise it. Proceed with the filibuster. We are not going to withdraw our legislation.

During the civil rights days there were instances where there had to be multiple cloture votes. There was a bill relative to fair housing in 1968 which had four cloture votes over a period of 7 or 8 weeks before there were enough votes to end the debate. The people who passionately believed in civil rights proceeded with their cause. They did not give up because they did not get enough votes to close off debate and to end the filibuster the first time. They did not give up the second time. They did not give up the third time; 7 or 8 weeks later, on their fourth cloture vote, finally they were able to achieve success.

I was reading these debates from the civil rights days, 1968, last night. I read some of the speeches of a whole bunch of great Senators on both sides of the issue: Senators Mansfield, Hart, Ervin, and other Senators, Javits. They were debating civil rights. It was a controversial bill. It involved whether or not citizens would have a right to housing free from discrimination based on race.

What struck me was the determination of the supporters of civil rights, the unwillingness to give in, give up, because they could not get enough votes the first time around to stop the filibuster. Senator Hart, after they lost the first cloture vote said:

> Those of us who support the bill that has been pending now for, I think, 6 weeks, on the occasion of the vote last week . . . indicated our intention to submit a modification today or prior to the vote today. The modification would lessen somewhat the reach of the coverage and make some procedural changes.
>
> I want to report that over the weekend a new and most encouraging factor has developed. It is a new force and gives a new dimension and promise for those of us who believe with a very deep conviction that this country needs to be assured that what a majority of the Senate has plainly indicated it desires to achieve can be achieved, an effective . . . open housing order.

Today, a majority of the Senate, in the words of Senator Hart, ''plainly indicated'' that it desires to achieve campaign finance reform. On one vote, there were 52 Senators; on another vote, there were 53 Senators. Today a clear majority of this Senate plainly indicated that it wants to achieve campaign finance reform.

Then it occurred, the third time they tried to attain an end to the filibuster. By this time, Senator Dirksen, who was the Republican leader, who had been a supporter of civil rights prior to this bill in the earlier days of the 1960s—Senator Dirksen, in 1968, after voting against ending debate the first and second time, decided that, with certain changes in the legislation, he was going to vote to terminate a filibuster in which he had participated. He said:

> The matter of equality of opportunity in civil rights is an idea whose time has come. And all the fulminations, whether substantial or superficial, will not stay the march of that idea.

The time has come for us to end the unlimited amount of money which flows into campaigns. This is an idea whose time has come. A majority of us have so voted. A majority of us feel strongly about it, and the public, much more important than either of those comments, feels very strongly about it. They are sickened by the amount of negative advertising they are bombarded with. They are sickened when they read about $50,000 and $100,000 and $1 million going into political parties in order, mainly, to fund these negative TV ads.

They are sickened when they read about a Democratic Party invitation or a Republican Party invitation that sells access to our key leaders for big contributions. They are disgusted when they see an invitation that reads: For $50,000 a year, you get two annual events with the President, two annual events with the Vice President, and you get to join party leadership as they travel abroad to examine current developing political and economic issues in other countries. They are disgusted when they see for $250,000 you get breakfast with the majority leader and the Speaker and you get a luncheon with the Senate Republican committee chairman of your choice. So for $250,000 you get a luncheon with the committee chairman of your choice. What do we expect the American public to think when they hear and read about that? And that is directly connected to the soft money loophole.

The scourge of soft money, of unlimited contributions, inherently breeds distrust for our democratic institutions. It is something that is inherent in the unlimited amount of the contribution.

Now, many of us believe very strongly that is true. But far more important than that is what the Supreme Court has said about this issue. In the Buckley case itself, a case which we all look to, and I will quote from, the Supreme Court said the following about the ''appearance of corruption inherent in a system permitting unlimited financial contributions. . . .'' Those are the words of the Court, and now I am going to read the entire quote:

> And while disclosure requirements serve the many salutary purposes discussed elsewhere in this opinion, Congress was surely entitled to conclude that disclosure was only a partial measure and that contribution ceilings were a necessary legislative concomitant to deal with the reality or appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.

The Buckley Court went on to say the following:

> Not only is it difficult to isolate suspect contributions but, more importantly, Congress was justified in concluding that the interest in safeguarding against the appearance of impropriety requires that the opportunity for abuse inherent in the process of raising large monetary contributions be eliminated.

Then the Court wrote about the contributions which are given either for a quid pro quo or for the appearance of a quid pro quo. This is what they wrote:

> To the extent that large contributions are given to secure political quid pro quos from current and potential office holders, the integrity of our system of representative democracy is undermined. . . . Of almost equal concern is . . .

That is, equal now to the quid pro quo—

> the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions. . . . Congress could legitimately conclude that the avoidance of the appearance of improper influence ''is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent.''

The Supreme Court wrote that before the soft money loophole became fully

exploited, before invitations, such as the kind I read from, went out telling people if they contribute $250,000 or $100,000, they will get meetings with the majority leader or they will get meetings with the President or they will get meetings with the committee chairman of their choice. This kind of sale of access, which we see in such a disgraceful display, I believe, on the part of both parties, was not even in existence at the time the Buckley Court wrote that opinion.

Both parties are engaged in this. This is not pointing the finger at either party. Both parties engaged in soliciting these huge—unlimited just about—amounts of money in exchange for access. And that is soft money. That is unregulated money. That is money above and beyond what is permitted to be directly contributed to a candidate.

In fact, the Supreme Court was very explicit about another provision of the law which provides that $25,000 is the limit which can be given in all contributions during a year. The Supreme Court said this about the $25,000. They describe the $25,000 limit as a modest restraint which serves, in the words of the Court, ''to prevent evasion of the $1,000 contribution limitation by a person who might otherwise contribute massive amounts of money to a particular candidate through the use of unearmarked contributions to political committees likely to contribute to that candidate or huge contributions to a candidate's political party.''

So we have a $25,000 per year limit in the law. That is the most you can give to a candidate or to a party, and the purpose, the Court said, was legitimate to prevent evasion of the $1,000 contribution limit to any particular candidate. And yet we have parties soliciting $250,000 and $50,000 and $100,000. That is the state of decay of our campaign financing.

So what we will decide in our vote tomorrow morning is whether or not the majority of this body—which has voted today to support the elimination of the soft money loophole—the majority of this body, which has voted today for campaign finance reform, will be willing to simply withdraw because the filibusterers have, so far, succeeded in stopping us from getting to 60 votes. That is what we will decide tomorrow.

This great Senate is a battleground where wills are tested, where people who believe strongly in one side of an issue will test their commitment against people who believe strongly in the other side of an issue. Everybody in this body has rights. The majority has rights. The minority has rights. The minority has a right to filibuster, a right which I will defend until we change those rules.

But the majority surely has the right not to give up in the face of a filibuster. The majority has a right—indeed, I believe an obligation on a matter of this principle—not to simply say: Well, we didn't succeed the first time or the second time, so we're just going to throw in the towel.

If we feel keenly about this issue—as the majority, I believe and hope, does—then tomorrow, when that vote comes, we should vote not to move to other business. It has nothing to do with what the other business is.

The issue tomorrow morning isn't whether or not we favor or oppose late-term abortions. That is not the issue. That was clear when the Democratic leader offered a unanimous consent request to move to the late-term abortions bill, to move to the late-term abortions bill by unanimous consent, which would have allowed us to then return, immediately after the disposition of that issue, to the campaign finance reform. But the Republican leader, our majority leader, objected to that unanimous consent proposal and as a result made a motion. And if this motion succeeds, then campaign finance reform goes back to the calendar and is put on the shelf. The vote tomorrow is the acid test vote as to whether or not we in the majority, who favor the closing of the soft money loophole, who believe that loophole is the principal culprit in the erosion of our campaign finance laws, those of us who believe that soft money has blown the lid off the contribution limits of our campaign finance system, those of us who believe the appearance of impropriety, which is created when people are solicited for huge sums of money to political parties and those parties, of course, turn around and spend it relative to campaigns and candidates, which is their business, those of us who believe keenly that this system is broken and we have to close this loophole—tomorrow will be the acid test for us. Tomorrow we will be put to the test.

It is not an easy test for all of us. Tomorrow we will be asked whether or not we are willing to move to other business, to put back on the calendar, to put on the shelf, this fight for campaign finance reform.

It is my hope the vote tomorrow will be at least as strong as the vote we had today, that 52 or 53 of us will say: No, we want to stay on this bill or come back to this bill automatically; we want to address an issue which has created such a terrible feeling in the stomachs and the hearts of our people. That is the feeling that is created when this huge amount of money washes into these political campaigns and when it is used to buy the kind of access which is purchased from both political parties.

This will be the acid test vote. This is the key vote. I hope we can live up to the responsibility we have to fight as hard for something we believe in as the opponents oppose with all their hearts. I hope we can do what was done in the days of the civil rights bills, where one failure to stop a filibuster did not deter the supporters of civil rights, where two failures to stop a filibuster did not deter the supporters of civil rights, where three failures did not stop the supporters of civil rights. They proceeded. They amended. They modified. They worked the issue because civil rights day had come. And just as the day for campaign finance reform has now come, I hope we can live up to our responsibility tomorrow and vote not to move to other business but, rather, to stay on this issue, to put the public focus on this issue, to say to those who would filibuster, that is your right, but we are not going to withdraw simply because you in the minority are filibustering this important cause.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from Michigan for his comments. As I was listening to him talking about the history of the civil rights movement, it occurred to me that the civil rights movement was all about giving people of color, all Americans, the right to participate fully in the political life of our Nation. In many ways, I consider this issue to be every bit as important as that issue.

The civil rights movement was a movement that changed our country for the better, not just for people of color but for all of us. I think today many Americans believe they have been locked out and they can't fully participate in the political life of our Nation. I think the ethical issue of our time is the way in which big money has essentially hijacked politics, has corrupted politics in a systemic sense. Therefore, I think Senator LEVIN is absolutely right.

I will not speak very long. I have had a chance to speak many times during this debate. I believe, as a Senator, I should come here today and say this vote tomorrow morning is all about whether or not Senators who say they want this reform will maintain the commitment to it. It is quite one thing for those who are opposed to reform to filibuster this bill, but it is quite another thing for the rest of us to say: Well, you filibustered the bill; now we move on to other legislation.

If Senators want to continue to block this, then they will have to continue to block it. If, in fact, those of us who believe the most important single thing we can do right now is to at least get some of this big money out of politics in the case of soft money, the least accountable part of the giving and the taking, then I think we have to be willing to fight for it.

I hope the majority who voted for this legislation, who voted for what I think would be a historically significant reform, a step forward for our country in getting some of the big money out and bringing citizens back in, will be the same majority voting tomorrow. I think the vote tomorrow is really the critical vote. Either we essentially say to those who have filibustered and those who have blocked our

efforts, we will go away; it is over, or we will say, no, you don't move on to other legislation; we are going to continue to speak out and continue to debate and continue to work hard until we pass reform.

It is late in the day. The vote is tomorrow morning. But I am hoping that, through the media, citizens will understand what this vote is about tomorrow. I really believe people in the country want to see us make this change.

I have an amendment. I have a self-interest reason. I have an amendment I have introduced. I am not going to get a vote on this amendment if everybody goes away. Given how difficult it is to pass reform, given all the ways in which those vested interests who give the money, those who are the well connected, those who are the heavy hitters, those who are the well heeled seem to have too much influence here, and given the fact that those who have the power don't want the change, I think that is, in part, what we are up against.

The vast majority of the people in the country want the change. If we don't get this vote tomorrow and it is all over, I am absolutely convinced the energy is going to have to come from the grassroots level.

I have an amendment—and I will come back with it over and over again—that basically says, if we are not willing to pass the reform legislation here, then let the people in our States decide. We are a grassroots political culture. Sometimes it is the local level, sometimes it is the State level, which is willing to light a candle and show the way.

If Massachusetts and Vermont and Maine and Arizona have passed clean money/clean election legislation, which basically gets all of the interested private money out and says to candidates, if you run for office, and it is voluntary, but if you will agree to spending limits, you can draw from the funding in this clean money/clean election fund so it will be a clean election; it will be clean money: it won't be interested money; it will be disinterested money, the elections will belong to the people in the States and the Government will belong to the people in the States and this is what we really ought to do.

If they want to do that, then my amendment says they ought to be able to apply it to Federal office as well. They ought to be able to say that is the way we want to elect Senators or Representatives from Minnesota or Kansas or Michigan or whatever State we are talking about.

If tomorrow we don't get the vote, which essentially says we refuse to back down, we don't have 60 votes yet, you people will have to continue to filibuster this and we are going to keep having amendments, we are going to keep having votes, and we are going to keep having debate.

The majority leader said we had 5 days of debate. We haven't had 5 days of debate. I am still puzzled why we didn't come into session until 1 today. I am not saying that in the spirit of whining. I am saying that in the spirit of some indignation and anger. We should have been in here this morning. We should have been debating the vote we were taking this afternoon on the McCain-Feingold bill. Senators should have had the opportunity to come and talk about why they were for it or why they were against it. It is not as if this is a small issue.

It is not as if this is a small issue. When we talk about how we finance our elections, when we talk about who gets to run for office, who wins office, what kind of issues we look at, and whether or not people believe in the political process, we are talking about whether or not we have a representative democracy. That is what we are talking about.

I argue that not only have we moved far away from the principle that each person should count as one and no more than one, but we are also getting to the point where we have Government of, by, and for a few people; Government of, by, and for those who can make the big contributions; Government of, by, and for just a tiny slice of the population. That is hardly a healthy, functioning, representative democracy. That is really what this debate is all about.

The problem is, we haven't had much of a debate. It is 6:20, and I am out here, and this is the end of the day, I gather. Tomorrow morning, we will have the vote. This debate has just begun. It should not be over.

Really, what I hope is that tomorrow we will vote against moving on to other legislation and there will be a lot of Senators out here. I will have this amendment that says let the people at the grassroots level determine this, and if people in our States want to get the big money out, and they want to have clean elections, and they want to have clean money, and they want to do it this way, then let them apply it to Senate and House races because, I am telling you, I think that is actually the way it is going to go. We won't get a chance to have an up-or-down vote on that amendment or many others that Senators have. We won't have people out here spelling out why they are for McCain-Feingold, or for other changes, what ways they want to improve it, what do they think we should do. We haven't had that full debate.

This issue deserves that debate. This is supposed to be the world's greatest deliberative body. But we haven't done the deliberation. What we have had is an effort to block this, and I think those who block this legislation are just hoping it will go away. The way it goes away is if those of us who have been for the reform just literally fold our tents and go away. Some of us around here are making the appeal that that should not happen.

I want to make one final point. And I am speaking as one Senator from Minnesota. I think for me, ever since I came here in 1990, this has been the issue. There are many issues I care about, but this is such a core issue. I find it hard to believe that all of us will not focus on economic justice, on making sure we have equal opportunity for every child, and on making sure we have environmental protection on this land, making sure we do something about the conditions in the inner city, making sure people in rural America have a chance, making sure family farmers get a decent price, making sure there is a good education for every child, making sure we speak to the bread-and-butter economic issues that affect the vast majority of families, making sure we have the courage to take on the big insurance companies, big oil companies, pharmaceutical companies, and telecommunication companies.

I think the way in which we finance campaigns and the influence of big money diverts our efforts, frustrates our efforts, and determines that we won't be able to make this change. This is the core issue. This is all about—as Bill Moyers, a wonderful journalist, has said—the ''soul of democracy.'' That is what this debate is about.

If this debate is all about the soul of democracy, if whether or not we are going to pass some reform is all about the soul of democracy, if this is all about whether or not we are going to continue to have a real functioning representative democracy, that we are still going to have self-government, then I think we don't do this in 4 days; we don't go away.

Tomorrow morning, there is a critical vote. I am really hoping the majority who voted for the McCain-Feingold bill—a very modest effort, a stripped-down piece of legislation, with bare minimum reform, that is at least a step in the positive direction—those Senators who voted for that I hope will be the same Senators who will say: No, we are not going to let you take this off the agenda, this issue stays on the agenda of the Senate, and we want full-scale debate and an opportunity to introduce amendments, and we want everybody out here spelling out for the people in our States why we are for reform or why we think this current system is unacceptable.

The other point I will make is that, for those of you who are working around the country with public campaigns, for all of the locally elected leaders who have said, we are committed in our States to passing clean money/clean election legislation, I say go to it. What happened out here on the floor of the Senate serves notice that the way this change is going to take place is from the grassroots level.

What I want to do as a Senator is to support those efforts everywhere in the country. I want to meet with people doing the organizing. I want to continue to bring the amendment to the floor of the Senate which says, if

States want to go in that direction and apply the clean money/clean election initiatives to Federal races, they should be able to do so because I am convinced that you won't be stopped. It could be that the monied interests are going to be able to stop the forum here, but I don't think they are going to be able to stop it in Minnesota or in States all around our country.

We are going to have to do it at the grassroots level. We are going to have to bring more pressure from the grassroots level and have more of this legislation passed by the States. It will bubble up, and eventually—I certainly hope before I finish up my career in public service—we will finally pass sweeping legislation which not only will get a lot of the big money out of politics and a lot of people back into politics but will do something that is even more important, and that will be to renew democracy.

I look for the day when people in our country are engaged in public affairs, when we have a really good citizen politics. I look for the day when young people can't wait to run for public office and serve in public office. I just hope for the day, and dream for the day, when people have a really good feeling about public life, a really good feeling about politics, a really good feeling about political parties, a really good feeling about the debate on the issues. I long for that day. I hope for that day. I dream for that day.

One way or the another, I am hoping and dreaming that during my career in the Senate we will be able to pass this legislation. I hoped it would be now. Whether or not it will be now depends upon whether or not we will have a majority of Senators who will say tomorrow: We are not moving off this legislation, we are not going to let those who oppose reform take this question off the table; this will be the business of the Senate tomorrow, the next day, and the next day, and maybe the next day after that, until we pass reform.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, last night, surprisingly, our session adjourned early. This morning, even more surprisingly, we had no session at all. I am sad to say I am suspicious enough to think that the reason for the early adjournment yesterday and the absence of a session this morning was in order to reduce the opportunity for those such as myself who believe the issue we are debating is extremely fundamental, albeit also extremely sensitive to some, and therefore deserves a full discussion. By the shortening of the session yesterday and this morning's termination of the session, we lost several hours that would have otherwise been used to discuss this issue with our colleagues and with the American people. But there were some benefits of the fact that we were not in session last evening and we were not in session this morning. And that is that some of us—I hope many of us—had an opportunity to see a repeat of a lecture that was given in 1995 by the eminent American historian, David McCullough. The lecture was given at the LBJ school at the University of Texas in Austin, TX. It was on a general topic of ''Character Above All''—''Character Above All.'' The topic of David McCullough's lecture was Harry Truman, a man who served in this Chamber with great distinction, presided over this Chamber briefly as Vice President of the United States, and then for the better part of 8 years served as President of the United States.

In his lecture, Mr. McCullough outlined a number of the characteristics of Harry Truman that made him such a distinguished figure. Mr. McCullough said that he was a better American than he was a President; that he was the embodiment of the essential value of his country—a man who had been raised in rural circumstances in Missouri, was not particularly well educated but, in fact, by his own efforts became classically educated, and then rose to the highest position in the land at a time of extreme national urgency during those critical years immediately after World War II.

Mr. McCullough said one of the characteristics of Harry Truman that made him such an effective American, an effective President, and revered citizen of this land was the fact that he had a set of core values. He knew who he was; he knew what he stood for; he did not have to wake up in the morning and put his finger in the air to find out which direction the wind was blowing.

I suggest that this debate today is essentially about character—individual character, yes, but more importantly the character of our Nation, the character of our democracy at the end of the 20th century. This debate is also about fundamental values. In what do we believe? What do we consider to be worthy of asking our fellow citizens and ourselves to sacrifice for?

Mr. McCullough talked about the fact that some Presidents who do not rise to the highest ranks of history's estimation were Presidents who were reluctant to ask the American people to do great things; that the Presidents who have challenged us to our fullest potential as a people have been those Presidents whom we mark as being our most revered.

I believe those comments about character, about values, about who we are as Americans, are significant in this debate this evening because we are talking about an issue that goes to the heart of our society, to the heart of the relationship between our society of America and the formal institution of government, which is the embodiment of our society.

I regret to say that today the abuses, the pernicious effects of money in our political system, represent a cancer, a cancer that is eating away at the heart of our values, the heart of our compact as Americans, the heart of our democracy. There are symptoms of this cancer. They include the increased feeling of disaffection between citizens and their government, a feeling that government is not a part of the ''we'' of which we all belong, but it is the ''they'' who are in confrontation with our own personal desire; and the low level of participation—not only the low level of participation in the act of voting, but also the low level of participation in people's willingness to serve in civic activities.

There was a long essay recently by a Harvard professor called ''Bowling Alone,'' about the fact that some of the institutions such as civic clubs and even sports organizations that have previously been a source of our national coherence have been increasingly shredded—low participation in people's willingness to accept positions of appointed responsibility, whether it is to the local PTA or to a governmental position, low participation of people in basic citizens' responsibilities such as jury duty, the very difficulty of our voluntary military to get an adequate number of persons to fill the ranks of our Army, Navy, and Air Force.

I was struck over the weekend, which, frankly, was spent in part watching some football games, at how many ads were run by our services to try to entice people to join the military. Those ads are themselves an indication of the difficulty of securing the kind of citizen participation associated with our democracy—the difficulty of attracting people to run for public office. Unfortunately, many people today are running away from public office.

I have had some considerable personal experience trying to encourage people who I thought had talent and integrity and would bring the experience of their lives to enhance public decisionmaking. How difficult it is to get those people to be willing to expose themselves to the kind of requirements of which the necessity to raise enormous amounts of money in a way that many people believe is degrading and requires them to pander makes seeking public office unattractive and in the final analysis is an option which is rejected.

Another example of the symptoms of this disease of cancer eating away at the heart of our democracy is the fact that now leading business executives are declaring that they are going to opt out of this current fundraising system, that they no longer want to pick up the phone, as one of those executives said while interviewed on television, 1,000 times for people soliciting funds, and not just soliciting what might be considered a reasonable contribution but soliciting for thousands of dollars of contributions over and over and over. And so they have opted out of the system.

Our efforts today are a part of a larger effort to try to restore those values

of community, those values of common sharing of the excitement, the responsibilities, and the obligations of a democratic society.

I hope that our efforts this week will be the beginning of true reform—reform that puts our political system back in the hands of the people.

The current version of Senator MCCAIN's and Senator FEINGOLD's legislation focuses on soft money. That is the money which comes into a political party that is not subject to the normal regulations and is unlimited in amount; with only minor manipulation soft money now can be used for almost any political purpose. Other than soft money which we typically refer to as hard money, the money that is regulated, the money that is limited in amount, the money that is subject to full reporting, there is virtually no difference in what today's soft money can be used for and what hard money can be used for.

We will have other amendments to consider in other areas of needed reform in our campaign finance system. All of these are important and worthy of debate. I hope we will keep our focus on what I suggest is the single most important issue we face: How can we eliminate from our system the amount that is coming from the enormous faucet of soft money? How can we begin to restore the American public's trust and confidence in their government? The public should be confident their elected representatives are voting on the basis of honestly held convictions, not on the basis of who has contributed tens or even hundreds of thousands of dollars to a political party, which money then is used to advance that particular public official's political candidacy.

While we cannot legislate the trust of the American people, we can plant the seeds of confidence by enacting real campaign finance reform. We must change the path we are on to regain the public's trust. It is critical the American people have trust in their public institutions to assure the proper functioning of a democracy.

In 1774, Edmund Burke was a member of the British Parliament. He had cast a vote which was contrary to the will of his constituency in the community of Bristol. They berated him for not having voted the way they—those who had elected him to the Parliament—would have preferred. Edmund Burke accepted the responsibility as a representative of the people to also become an educator of the people. He said to the electors of Bristol on November 3 of 1774, your representative owes you not his industry only but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

The people of Bristol may have temporarily been disappointed that Edmund Burke did not do what they felt at the moment was their desire, but they were satisfied with the fact he was giving them more than just a weather vane of their opinion; rather, he was giving them the benefit of his informed judgment.

Today, unfortunately, many citizens believe their representatives follow neither their judgment nor popular opinion. Instead, they believe it is only the donors of huge amounts of soft money who hold the ear and the vote of their elected representatives.

We are not the first branch of government to recognize the connection between our actions and our appearances and the public's confidence and willingness to respect and legitimize our actions. For many years, the Judiciary has imposed upon itself strict rules governing the conduct of judges and lawyers. These rules do not exist because it is assumed judges will engage in unethical behavior; rather, it is to make certain they avoid even the appearance of impropriety. This self-regulation helps to maintain the public's confidence in the integrity of our judicial system. I suggest we in Congress have a similar obligation to maintain the public's confidence in the integrity of the legislative system.

Make no mistake, by any measure, the public's faith and confidence in the political process is eroding. Voter turnout is low, youth participation is low, institutional confidence is down. It is our obligation, as it is the obligation of the judicial branch, to take those steps that will restore the necessary public confidence.

It is no coincidence participation and trust in our governmental institutions are at a low point at the same time the pursuit of campaign money by parties and politicians is at an all-time high. The crass chase for soft money by candidates of both parties is demeaning to the contributor; it is demeaning to the political recipient. I hope we can convince Members of both parties to put an end to it. The ever-increasing focus on fundraising has fundamentally and negatively changed the nature and the purpose of a congressional campaign. Our attention has been diverted from activities which are most beneficial to voters while we chase money. This need to amass a huge campaign war chest has led to the privatization of our traditionally public campaign process.

Political campaigns should belong to the people, not to the few who can participate in the financing of those campaigns. Over the past two decades, we have watched as campaigns have been transformed. What used to be an effort to meet and to listen to voters has now become an exercise in raising money for carefully crafted, frequently negative television commercials. Candidates now move from the television studio to record sound bites to the telephone to solicit campaign contributions to pay to air those sound bites. This transformation has narrowed the range of issues debated to those few who can be broadcast in a 30-second commercial.

What is lost? Lost is the interaction with voters. Lost are real debates about important substantive issues. Most important, what could be lost is our rich political heritage of a genuine dialog between candidates and voters. What had been a publicly owned campaign system has become a privately managed and staged event. The essential purpose of a political campaign is being subverted. Campaigns should provide the opportunity for two-way growth. Campaigns should prepare the candidate to represent and govern. Meeting the public, managing a campaign, a candidate learns important lessons crucial to government. A candidate learns important insights about the people he or she hopes to represent.

I have suggested to newspaper editorial boards when they interview persons who are seeking their endorsement for a campaign that there are a set of questions that ought to be asked of all candidates. One of those questions is, What have you learned since you announced your intention to seek public office? What have you learned since that date that will make you a better person should you be elected to office? Has the candidate, in fact, used the campaign as a learning, growing process?

Similarly, a political campaign and its interaction is important to the public. The observation of a candidate allows the voter to exercise a thoughtful judgment about who should be entrusted with the responsibility to govern. The shift from hard money to soft money has obliterated much of this relationship, the relationship of the candidate learning from the citizens, and the citizens' ability to assess the qualities of that candidate for public service.

The shift from hard money to soft money brings many adverse effects which will move our campaigns away from this two-way growth. Soft money has no standards. It is unlimited, unregulated, unreported. It turns candidates away from seeking contributions from traditional fundraising sources. The public loses accountability.

In relying on soft money, the candidate loses control of his or her campaign. There are not very many things that happen in a political campaign which are real. Most of the things that occur in a campaign are contrived or manipulated. One of the things that is real is how well a candidate runs their campaign. That requires acts of judgment as to the people with whom you will associate yourself in the campaign, how well you allocate resources to pursue your campaign, the kinds of priorities and issues upon which you base your campaign. Those are all indicators of how the person, if elected to office, is likely to carry out his or her public responsibilities in exactly the same area. But the heavy reliance on soft money and the ability of the candidate to turn his campaign essentially over to those who will present him or her in the most favorable television light causes the candidate to lose that control of the campaign and the public

to lose the ability to use that campaign as an indicator of the individual's potential for public service.

It is not just the candidate who loses control. The public also loses control. It loses the opportunity to see the candidate exercise his or her personal judgment and thereby loses an important opportunity to evaluate the candidate as a potential public servant.

Finally, it is clear the distinction between the uses of hard and soft money have become pure sophistry. Experience has shown us that parties can advocate for a particular candidate with soft money every bit as effectively as they can with hard money.

Just a few hours ago, I saw a television commercial that was a commercial which was paid for by one of the campaign committees of the Congress. The commercial was an attack against a candidate alleging that candidate had broken the trust of the people by spending Social Security surpluses for other than intended Social Security purposes. The ad did not say: Vote against candidate and current Member of Congress X. But, rather, it ran that individual's name in the ad and said: Call him and tell him to stop raiding Social Security.

That is the kind of ad that is being bought and paid for and disseminated over the airways with this gush of soft money. It is an ad which is intended not to enlighten the public but to distort and manipulate the public. It is the type of negative ad which has contributed so substantially to the loss of public confidence in the political system.

The McCain-Feingold bill will not correct all the problems in our current system, but it will give us a good start towards that solution. Banning soft money, in my opinion, is the first step. Opponents of campaign reform argue that more money is good for democracy because it increases political speech. They also argue that even modest attempts at reform violate the first amendment's protection of free speech.

Now, presumably these opponents, who would argue any attempts at reform violate our protection of freedom of speech, do not favor any limits on campaign donations—no limits by non-U.S. persons, businesses, or even governments. We have had a lot of investigations, a lot of bemoaning the fact that non-U.S. persons, businesses, and possibly even non-U.S. governments have made contributions to American political campaigns and potentially were doing it in order to secure favor for their particular interest within the United States. The fact is, that is a very serious and, in my opinion, extremely noxious policy that allows non-U.S. persons, businesses, and even governments to involve themselves in U.S. political campaigns. But it is not illegal under the current law. The basis of the fact it is not illegal is this enormous loophole called soft money.

Citizens of another country, business interests of another country, governments, foreign governments, can all contribute to American political campaigns through the gaping loophole of soft money. Yet the opponents of this legislation that is before us tonight would argue that to close even those loopholes would constitute an undue infringement on freedom of speech. How absurd.

The arguments against reform confuse the quantity of speech with the quality of speech. We have a great deal of evidence that pouring more soft money into our campaigns has actually harmed our electoral process. Party soft money expenditures for the 1996 Presidential and congressional elections totaled $262 million. Let me repeat that. Soft money to American political parties in the 1996 Presidential and congressional elections totaled $262 million. That figure was three times the $86 million which was spent through soft money in the 1992 Presidential and congressional elections.

Despite this threefold increase in soft money between 1992 and 1996, were there evidences that it had a positive effect on American participation in government? Are there evidences, as is suggested by the concept that more money is better for the political process, that these expenditures were used to energize the spirit of democracy? Oh, no. Presidential election turnout in 1996 was the lowest in 72 years.

When you consider what a tripling of soft money that occurred between 1992 and 1996 did to voter turnout, you can shudder to think what will happen in next year's Presidential election when soft money expenditures are expected to double again, to over $500 million. Voters seem to recognize that, while money may buy an increase in the volume of speech, it does so at the price of the quality, the thoughtfulness of speech. And the volume finally drowns out the quality, and the voter turns off and retreats from participation.

Removing unlimited, uncontrolled soft money from the process would not infringe on anyone's right to free speech. Contributions to candidates and parties would still be not only permitted but encouraged. They would simply have to be made according to the rules, rules already in place, rules that have been sanctioned by our judiciary as being consistent with first amendment freedom of speech privileges.

For years we have regulated hard money and union and corporate contributions. Indeed, some of these regulations have existed since the time of Theodore Roosevelt. These regulations are consistent with the first amendment. So is the proposed ban on soft money. I believe the actual quality of political speech will be enhanced with a prohibition on soft money. It provides ample avenues for contributing to political candidates, for candidates communicating with and learning from voters, and for raising the credibility of the tattered system by which we elect public officials. We can have all of those benefits by using the system we thought we had, and that is the system that provides for controlled, limited, fully reported campaign contributions.

Reform will encourage more voters to participate because they will have renewed hope that their individual voices are being heard, that their individual voices will make a difference.

Our colleagues in the House of Representatives have acted. Many States have acted. The public is now rightfully waiting for us in this Chamber which has been described as the greatest deliberative body on Earth. Our people are waiting for us to act to put our campaign system back in order. The system is broken. We have the power, we have the obligation, to fix it. The McCain-Feingold bill is a significant step in that direction. I am proud to support it. I encourage my colleagues to do likewise.

Tomorrow will be the testing hour. We are asked to vote on what appears to be a procedural matter, to proceed to another piece of legislation, legislation that has considerable support, legislation that this Senate has considered on a number of occasions in recent years, legislation which this Senate will undoubtedly consider during this session of Congress.

Make no mistake about it, the effect of voting tomorrow morning to proceed to another piece of legislation is a vote to strike a stake in the heart of even the beginning of campaign finance reform in America because if we adopt this motion to leave this legislation and turn to another subject matter, I sadly suggest we will never return again to campaign finance reform. We will have done a disservice to the American people.

I hope that we will rise to the standard of character above all, that we will demonstrate we are worthy of our previous colleagues in this Senate, such as Senator and later President Harry S. Truman, that we know who we are, we know what our responsibilities are to the American people, and we are prepared to discharge those responsibilities. I thank the Chair.

Mr. CHAFEE. Mr. President, today the Senate took two very important votes with regard to the question of how to reform the manner in which elections for federal office are financed. These votes provided the Senate two very different paths in which to accomplish this goal.

As my colleagues are aware, a majority of Senators in this body clearly believe that the current system is in need of reform. Progress has been made in previous years in two important areas: in the substance of the issue and in gaining greater Congressional support for reform.

Nevertheless, I believe that the paramount goals of any true effort of reform must be to reduce the perception that special interest money exerts undue influence on elected officials, and to address the blatant electioneering disguised as issue advocacy.

These two components must be a part of any proposal forming the basis of Senate debate. The original McCain-Feingold legislation (S. 26) offered this base, and that is why I supported and cosponsored the bill.

In the past two years, the Senate has voted five different times to invoke cloture on the McCain-Feingold campaign finance reform proposal. I supported each of these motions because of my belief that the Senate needed to begin the process of debating the merits of the bill. I also voted for cloture on the paycheck protection proposal because I believed that it was an opportunity for the Senate to level the playing field on the pending debate.

Now, what is the playing field about which I speak? I believe that the Senate should keep its eye on the overall objective of limiting the explosion of unregulated spending which has diminished the role of the candidate and heightened the role of not only the political parties, but of outside groups who have a direct impact on federal elections without any accountability to the public.

Let me now take a moment to explain my reasons for supporting cloture on the Daschle amendment to S. 1593 and for opposing cloture on the Reid amendment to the Daschle amendment.

I voted for cloture on the Daschle substitute amendment to the scaled-down McCain-Feingold campaign finance reform bill because it would have provided the Senate with a better starting point than we have had in previous years. While it was not a perfect version of a campaign finance reform bill, it offered the Senate the opportunity to debate and to amend a comprehensive and level bill, similar to the version recently approved by the House of Representatives.

On the other hand, I voted against cloture on the Reid amendment because I believe this approach would restrict the political parties without acknowledging the skyrocketing impact of outside groups on the political process. The Reid amendment, which was almost identical to the scaled-down version of the McCain-Feingold bill (S. 1593), in my view, did not go far enough to address this important issue. I am troubled by the prospect that non-party activities would remain unregulated while the parties would be restrained. This could make a flawed system even more unbalanced.

I admire the work Senators MCCAIN and FEINGOLD have done in raising awareness of the problems of our campaign finance system. I fully intend to continue working with them, as well as the other supporters of campaign finance reform, to develop a comprehensive approach in this matter. The Senate had the opportunity to make this important change in the current fundraising system by invoking cloture on the Daschle amendment. I will continue to support campaign finance reform measures that follow this approach.

In addition, I intend not to support the Majority Leader's motion to proceed to S. 1692, the Partial Birth Abortion Ban bill at this time. My vote for cloture on the Daschle amendment was based on the belief that debate on this issue should move forward and the reform process should begin. The Daschle amendment provides the Senate with this opportunity for a meaningful debate on the bill.

Mr. DEWINE. Mr. President, I rise today to discuss an issue that is very important to our political system. I believe that our current campaign finance system needs serious reform. But, I cannot support the current version of the McCain-Feingold campaign finance reform bill. I believe the bill's total ban on so-called ''soft money'' is unconstitutional. It is a clear violation of the free speech clause of the First Amendment.

Soft money is used by political parties to advocate specific policies or issues, as well as other party-building activities, such as voter registration and get-out-the-vote efforts. The Supreme Court considers these issue advocacy activities to be free speech and has made it perfectly clear through previous rulings that any total prohibition of funds for issue advocacy would be a violation of the First Amendment.

That's why I have been working with several of my colleagues, including Senators HAGEL, ABRAHAM, GORTON, and THOMAS, to come up with a campaign finance reform proposal that makes much-needed changes in the system, while still preserving the free speech rights guaranteed under the First Amendment. I believe that by correcting the problems, we can achieve a fair and open system of campaign finance laws, which is a big step toward restoring the people's faith in our democratic government.

Our proposal would achieve a number of important goals.

First, it would improve our disclosure laws and increase accountability of political candidates and political parties. Our proposal would provide for more disclosure of contributions given to candidates and parties, institute immediate electronic disclosure by the Federal Election Commission (FEC), and require disclosure of the names of those who purchase political advertisements on radio and television.

Second, our proposal would impose overall limits on what individuals can provide to both candidates and parties. As I noted earlier, right now, a person can contribute any amount of ''soft'' money he or she wishes to a political party. Under our proposal, a person could give a maximum of $60,000 to national political parties. The proposal also would allow that same person to make individual contributions to candidates of up to $3,000—up from the current $1000 limit. This would bring the total amount that an individual could give to parties, candidates, and other political committees to $75,000. The limitation on contributions to political parties would not take effect until after the Supreme Court has a chance to review any constitutional challenges to these limits.

The goal here is to limit one person's or organization's ability to distort the political process through massive cash contributions to parties. In addition, we would like to see more of that limited contribution go toward the candidates, themselves, rather than the parties, because candidates currently face tougher disclosure requirements than the parties. In short, our plan would put a lid on overall contributions and increase accountability of these funds.

I know a number of my colleagues and I were looking forward to discussing our proposal and others and how it would bring reform to our political process. We should view today's vote as a demonstration for the need for our proposal—one that will not run counter to the First Amendment, and one that will ensure greater accountability and credibility of our political process.

Mr. KOHL. Mr. President, I rise to register my support for meaningful campaign finance reform. I will be voting today for cloture on the Daschle amendment which is the broader version of campaign finance reform passed by the House, including provisions to limit issue advocacy advertising during campaigns. Should we have a vote on the Reid amendment, I will also be voting for cloture on a ban on so-called soft money contributions to political parties. Although I was unavoidably absent from the Senate during yesterday's vote, I would have voted against the motion to table the Reid amendment banning soft money contributions.

Banning of soft money is the least we can do. This unlimited flow of money into party coffers creates the greatest opportunity for special interests to seek favor with politicians. The reality that businesses or organizations can be tapped for such vast sums has dramatically changed the atmosphere surrounding the work of our legislative and executive branches of government. Even responsible voices in business have said that they want out from this unseemly competition. The Committee for Economic Development, a group of 200 senior executives and college presidents, has put forward its own campaign finance proposal, mirroring many of the ideas we have discussed over the last few days, stating, ''As business leaders, we are troubled by the mounting pressure for businesses to contribute to the campaigns their competitors support, as well as the dangers that real or perceived political corruption pose for business and the economy.''

Whether the presence of unlimited political contributions is corrupting or whether it just creates the appearance of corruption, the damage is done. Americans are disaffected with politics and political campaigns and have voted

against the current system with their feet: U.S. voter turnout in elections is in serious decline. According to the Committee for the Study of the American Electorate, over the last 30 years we have witnessed a 26 percent decline in voter participation. Fifty-four percent of voting age adults reported voting in the last Presidential election in 1996, the lowest level since the Census Bureau began collecting these statistics in 1964. And these statistics may not even tell the whole story, with some citizens unwilling to admit they did not vote. The official statistics maintained by the Clerk of the House measured voter turnout in 1996 at 49.8 percent. For non-Presidential election years, the numbers are even more discouraging. During the 1998 elections, we witnessed the lowest voter turnout since 1942.

Our representative democracy is harmed by eroding participation. As elected officials we have a responsibility to try to address the sources of voter disaffection. According to the Census Bureau, 17 percent of non-voting registered individuals reported they did not vote because of apathy. That number was up from 11 percent in 1980. In response, we should be working to help reconnect the voters with their elected officials and to invest them in the political debates of the day. Campaign finance reform, in one form or another, is an important part of that process. However, there is more we can be doing to bring citizens back to the polls and to engage them in the issues facing our country. We must be clearly responsive to our constituents and not the special interests who often seem to have a stranglehold on the political process. Unfortunately, there are far too many bills which have the fingerprints of special interests all over them. We must take back the process from the special interests and craft bills beholden to no one but our constituents.

We should also be working to eliminate barriers to voting. Nearly 5 million registered voters said they did not make it to the polls in 1996 because they couldn't get time off from work or school to vote. In response, we need to explore ways to make it easier for Americans to cast their ballots, and we need to do so in a way that does not encourage voter fraud. One such approach which merits further consideration is longer voting hours at the polls.

In the past I have introduced legislation to study the possibility of extending voting hours across the weekend. If polls were open on Saturday and Sunday, people would have more than enough time to vote. Since the mid-19th century we have held election day on the first Tuesday in November, ironically because it was the most convenient day for voters. Tuesdays were traditionally ''court day'' and landowning voters were often coming to town that day anyway. We need to consider the national rhythms of today and determine what framework for voting makes the most sense for the American people.

While weekend voting may pose some challenges, others have recommended that we require the states to keep the polling stations open from early in the morning until late in the evening on election day. This more limited proposal would be less costly and more manageable for states and would also provide more opportunities for people to vote.

We should consider proposals to create a national voter leave, perhaps just two hours on election day to enable workers to make it to the polls. I am also intrigued by proposals to allow the disabled to vote by telephone, and we should be investigating how we can make use of the internet to make registration and voting easier.

The internet is already ushering in a new era in elections, bringing new meaning to the issue of transparency in the financing of political campaigns. Until now, disclosure has been one of the cornerstones of campaign finance reform. The disinfectant of sunshine has always been heralded as a means of keeping politics clean. However, in this era of instant posting of campaign contributions, we are seeing an interesting side effect. The very tool to limit the role of special interests in politics is also highlighting that role and adding to the disaffection of voters. While it is important for us to continue to shine a spotlight on campaign contributions, we must recognize that disclosure is not enough. Ultimately, meaningful campaign finance reform and other efforts to increase voter motivation are the keys to bringing citizens back into the polling booth. Elections are essential to maintaining a robust democracy. Looking at the fragile democracies around the world reminds us that the right to elect our own leaders is a precious right—most valuable if it is exercised.

Mr. President, whether we pass campaign finance reform today or at some point in the future, I want to acknowledge the hard work of my colleague from Wisconsin, Senator RUSS FEINGOLD in moving this issue forward. Senator FEINGOLD and Senator MCCAIN have persisted in raising campaign finance reform in the face of opposition from a minority determined to block reform. I will continue to support their efforts and look forward to the day when all Americans recognize that they have a stake in our society and are motivated to exercise their civic duty to vote.

Mrs. FEINSTEIN. Mr. President, I rise to express my extreme disappointment in the Senate's failure to invoke cloture on the campaign finance reform legislation. This is the third consecutive year we have held this debate and I am disturbed that each attempt to move this bill has failed.

Our campaigns are awash in money. Over the weekend, both the Washington Post and the New York Times ran stories detailing the rise of soft money contributions and the impact it is having on our electoral process.

We do not need newspapers to tell us what we already know. We have run the campaigns, we have raised the money, and we have felt the sting of negative attack ads.

I am now entering my fourth statewide campaign in California. In the 1990's, I have raised more than $40 million. In the 1990 race for Governor, I had to raise about $23 million. In the first race for the Senate, $8 million; in the second race, $14 million. This process has got to stop.

I want to speak for a few minutes about my last campaign. All of us in the Senate have all faced tough campaigns, but I think this election was a little different because of the record amounts of money that were spent.

In 1994, my opponent spent nearly $30 million in his effort to defeat me. It wasn't simply the amount of money spent that made this race unpleasant, however. It was how the Money was spent.

This race was not a discussion of issues. Instead, money was spent on negative ads that misrepresented votes I had taken and mislead voters about my positions. This campaign was primarily about bringing a candidate down, not promoting a view or even another candidate.

I wish I could say that this was a unique circumstance in which a wealthy individual used unlimited resources to mount this type of campaign. Unfortunately, it has become all too common. Instead of wealthy candidates using their own money, political parties and outside organizations are raising millions of dollars in soft money contributions. They are bankrolling attack ads designed solely to defeat candidates.

Studies have clearly shown that as election day gets closer, ads become more candidates oriented and more negative. Instead of promoting a position or an issue, these ads attempt to influence an election by painting a distorted view of a candidate.

The impact that this type of campaigning is having on the electorate as whole is of much greater consequence than the effect on any single race. Voter disenchantment with the political process is at an unprecedented level. Negative campaigning may be designed to drive candidates from office, but it is actually driving voters away from the polls.

Over the past several days, much has been said about the rise in soft money spending and its influence over our elections. The numbers are clear and unquestionably disturbing. Soft money spending doubled between 1992 and 1996 and it is projected to double again this cycle.

I believe the most distressing effect of soft money, however, has been the impact on the voters. Since the early 1990s, when soft money began to explode, voter turnout has significantly

declined. Between the presidential election years of 1992 and 1996, the percentage of eligible voters participating in elections fell 6 points from 55 to 49 percent.

Voting participation in midterm elections fell from 38.78 percent in 1994 to 36.4 percent in 1998. There may be a number of reasons for this decline, but I believe it is largely due to a growing distaste for the political process. The political dialogue has become dominated by personal attacks and unsubstantiated charges and voters have chosen to not participate.

I voted in favor of the Shays-Meehan legislation that the minority leader offered as an amendment. I believe it represents the most comprehensive reform of the current system. This bill has already passed the House by a decisive, bipartisan margin and the Senate should have followed suit.

I also supported the streamlined version of the McCain-Feingold bill. As we know, this bill contains only the ban on soft money and permits union members to prevent the use of their dues for political activities.

I supported this bill, but I did so with some misgivings. One of the key provisions that was dropped from the original legislation dealt with issue advocacy. This is a loophole in the current campaign finance system that allow unions, corporations, and wealthy individuals to influence elections without being subject to disclosure or expenditure restrictions.

I am very concerned that banning soft money without addressing issue advocacy will simply redirect the flow of undisclosed money in campaigns. Instead of giving soft money to political parties, individuals, and organizations that want to influence elections will create their own ''independent'' attack ads.

One study now estimates that between $275 million and $340 million will be spent on so-called issue advertisements during the last election cycle. This amount of spending becomes a third campaign where candidates can't respond because they don't know from where the attack is coming.

Despite the lack of issue advocacy, I voted in support of the soft money ban. While this may not entirely solve the problems in our campaign finance system, at least it would move the debate forward. Banning soft money is an important and necessary step in a larger effort to reform the system.

Unfortunately, the Senate did not invoke cloture on either amendment and it now appears the bill will be removed from the floor and the debate ended for the year.

This is the worst possible outcome. As a result of our actions today, the influence of soft money will continue to grow, attack ads will saturate the airwaves during each election, and voters will continue to lose interest in the process.

I urge my colleagues on the other side of the aisle not to take down this bill. Let us go forward with the amendment process and give us an opportunity to pass this legislation. We owe it to the American public.

Mr. GRAMS. Mr. President, I rise today to express my concerns about the proposed McCain-Feingold bill.

I have always maintained several guiding principles when considering proposals to change the way our campaigns are financed, the most important of which is the first amendment right of Americans to participate in the political process. I have heard from many constituents who agree that Congress should focus its attention on preserving the first amendment, which has been the basis for active citizen participation in our political process.

Recently, a constituent from Woodbury, Minnesota, wrote, ''The First Amendment to the Constitution must not be legislated into obscurity. Money is only one of the many voices people use to express their views. You must not remove the voice of the people in an attempt to remove avarice and greed from the political process.''

By guaranteeing to citizens the right to speak freely and openly, the first amendment ensures, among other things, average Americans can participate in our political process through publicly disclosed contributions to the campaigns of their choice. The first amendment also allows Americans to freely draft letters to the editor, join political parties, and participate in rallies and get-out-the-vote drives. I am proud of Minnesota's long history of active citizen participation in many of these activities during each election year.

Mr. President, before this debate concludes, the Senate will have considered many broad, sweeping proposals to amend the McCain-Feingold bill in an attempt to impose new restrictions upon our fundamental rights. However, rather than pass new campaign finance laws, we should encourage and protect citizen involvement in our political process through greater enforcement of our existing election laws, fair and frequent disclosure of candidate campaign contributions, and a long-overdue increase in Federal contribution limits. I remain concerned about any proposal that infringes upon the fundamental right of citizens, candidates, groups, and political parties to have their voices heard in the democratic process.

In my view, efforts to pass burdensome and restrictive campaign finance proposals overlook the fundamental reason why the American people have begun to lose faith in their government. The public's mistrust of their elected officials has not grown from a lack of laws, but from the activities of those who break our existing laws. Minnesotans have contacted me to express their outrage over blatant violations of our existing Federal election laws, and more specifically, illegal and improper campaign activity that occurred during the 1996 elections.

During the course of this debate, we should not forget that election laws enacted 25 years ago to curb corruption in the political process have been circumvented and repeatedly violated. This was made very clear to the American people throughout the extensive hearings conducted by the Senate Governmental Affairs Committee during the last Congress, despite the fact that more than 45 witnesses either fled the country or refused to cooperate with the committee investigation.

Importantly, the investigation conducted by the Senate Governmental Affairs Committee has contributed to the investigative and prosecutorial efforts of the Justice Department's Campaign Task Force. Above all else, the findings issued by the Senate Governmental Affairs Committee have proven that the current law works if we simply enforce the laws on the books.

For these reasons, I am pleased to be a cosponsor of the amendment offered by Senators THOMPSON and LIEBERMAN that would improve the enforcement of our existing election laws. Among its provisions, this proposal would authorize federal prosecutions of federal election laws if the offender commits the existing offense ''knowingly and willingly'' and the offense involved more than $25,000. As my colleagues know, current law only allows violations of election laws to be prosecuted as misdemeanors.

Mr. President, the Thompson-Lieberman amendment also extends the statute of limitations for criminal violations of the Federal Election Campaign Act from 3 years to 5 years—consistent with the statute of limitations for most other federal crimes. It would direct the United States Sentencing Commission to promulgate a sentencing guideline specifically directed at campaign finance violations and consider issuing longer sentences for those whose convictions involve foreign money or large illegal contributions.

Most importantly, this amendment would make it clear that all foreign money is illegal by prohibiting soft money donations to candidates or political parties by foreign nationals. I know that all Americans were outraged by the improper role of foreign money contributions during the 1996 presidential campaign. I commend Senators THOMPSON and LIEBERMAN for this meaningful proposal to improve our current enforcement structure and ensure that violations of federal election laws do not occur during the 2000 campaign.

In addition to more timely enforcement of our existing election laws, I believe reasonable disclosure requirements provide the electorate with more information, deter corruption or the appearance of corruption through increased exposure of contributions, and

help to determine violations of election laws. However, we should ensure that disclosure requirements do not infringe upon the individual rights and privacy of donors or discourage citizen involvement in the democratic process. In fact, it was a former Minnesotan, Chief Justice Warren Burger, who emphasized the need for carefully drafted disclosure provisions as part of his opinion in the case of Buckley versus Valeo.

In Buckley, Chief Justice Burger wrote,

> Disclosure is, in principle, the salutary and constitutional remedy for most of the ills Congress was seeking to alleviate. * * * Disclosure is, however, subject to First Amendment limitations which are to be defined by looking at the various public interests. No legislative public interest has been shown in forcing the disclosure of modest contributions that are the prime support of new, unpopular, or unfashionable political causes.

Mr. President, I commend Senators MCCAIN and FEINGOLD for their decision to modify their proposal and reduce the level by which this legislation would infringe upon the first amendment rights of Americans. Unfortunately, the revised McCain-Feingold bill continues to place new restrictions upon national political parties through a proposed ban on party soft money.

I do not believe that any limit or ban on party soft money would survive strict scrutiny by the Supreme Court. We should not pursue a suspect expansion of government control of national parties, but rather recognize that political parties enjoy the same rights as individuals to participate in the democratic process. This is a view consistent with the Supreme Court decision in Colorado Republican Federal Campaign Committee versus FEC, in which the Court found that Congress may not limit independent expenditures by political parties.

In striking down limits on the ability of political party independent expenditures, the Supreme Court wisely questioned any attempt to demonstrate a compelling reason for government regulation upon the ability of political parties to support state and local party participation in the political process when it declared:

''We also recognize that FECA permits unregulated 'soft money' contributions to a party for certain activities, such as electing candidates for state office * * * or for voter registration and 'get out the vote' drives. * * * But the opportunity for corruption posed by these greater opportunities for contributions, is, at best, attenuated.''

Mr. President, I believe we should strengthen, rather than diminish, the role of political parties. In my view, some of my colleagues favor a ban on party soft money because parties promote ''issue advocacy'' communications. These advocates fail to recognize that a political party's ability to engage in these communications is fully protected by the first amendment. In debating the merits of a proposed ban on party soft money, we should heed the Supreme Court's wisdom in Buckley when it held that communications which do not expressly advocate the election or defeat of a candidate using such words as ''vote for'' or ''defeat'' cannot be regulated.

Mr. President, I firmly believe there would be less reliance upon party soft money if Congress would increase the current contribution limits and encourage individuals and donors to become involved in entities that are already subject to regulations and disclosure, such as political action committees and national parties. In many ways, the prevalence of soft money in recent campaigns is a consequence of contribution limits established in 1974 and upheld in Buckley.

I am very encouraged that the Supreme Court for the first time since 1976 recently heard arguments regarding the constitutionality of contribution limits. I believe both contributions and expenditures are entitled to protection as core political speech and have concerns with the Supreme Court's decision in Buckley, which upheld limits on contributions while striking down limits on expenditures. In my view, to leave these limits in place without any adjustment would be unfair and continue to threaten the individual rights of donors and individuals. As Chief Justice Burger wrote in Buckley, ''Contributions and expenditures are the same side of the First Amendment coin.''

Mr. President, I am committed to protecting the rights of all Americans to participate in the political process. However, we should not use violations of existing law to restrict political speech and participation in the political process. Those who choose to offer their ideas and talents in a manner that will help to strengthen our nation for future generations must not be discouraged from doing so.

Mr. LIEBERMAN. Mr. President, in her most recent book, ''The Corruption of American Politics,'' the very skilled and veteran Washington reporter Elizabeth Drew writes that ''indisputably, the greatest change in Washington over the past 25 years—in its culture, in the way it does business and the ever-burgeoning amount of business transactions that go on here—has been in the preoccupation with money. It has transformed politics and its has subverted values . . .''

This evaluation once was nursed by a few public interest groups and then a group of congressional reformers. Now, it constitutes conventional wisdom. It is written in the books. It is fact. The political preoccupation with money has ''transformed us and subverted values.'' According to a Quinnipiac College poll published October 14, 68 percent of those surveyed believe large campaign contributions influence the policies supported by elected officials and a June survey by the National Academy of Public Administration reported the number one thing politicians could do to regain public trust is to curb large campaign contributions. Despite these assessments from the people we serve, Congress remains incapable of changing how U.S. federal campaigns are financed.

With the 2000 election cycle well underway, it is clear the worst habits of the past two decades have become the springboard from which new excesses will be launched. Candidates are awash in more money than ever before and party fund-raising records are being shattered again and again. At least two presidential primary candidates—George W. Bush and Steve Forbes—have decided to forego public matching funds in order to avoid the related limits on their campaign spending, while candidates and third party groups are seeking ever more inventive ways to raise undisclosed and unlimited funds to communicate with voters and influence elections.

As a member of the Senate Governmental Affairs Committee, I had hoped the system had reached its nadir in the 1996 federal election campaign, which the committee investigated for most of 1997. I was too optimistic. Because of Congress' failure to enact campaign finance reform, the system continues to fester and elections seem to be auctioned off to the highest bidders.

After it's over, the complete story of the 200 presidential race will be told. Until then, the investigation conducted by the Governmental Affairs Committee provides the best portrait there is of how corrupt our elections have become and how obviously current practices violate the clear intent of Congress in passing campaign finance laws. Our investigation revealed that in 1996, the major parties sabotaged some of the most fundamental values underpinning our American experiment in self-rule. They gave millions of Americans good reason to doubt whether they had a true and equal voice in their own government.

What emerged from that investigation was the picture of a campaign finance system gone haywire—a story replete with abuses ranging from institutionalized failures to two-bit hustlers—a story that should have made any elected federal official ashamed and disgusted by the taint that has diminished our representative democracy, that is to say, every citizen's right to an equal voice in his or her government. The investigation forces us to ask whether we are no longer a nation where one person's vote speaks louder than another person's money. Or have we reached a place where one person's money can drown out another person's vote?

For those who may have forgotten the unseemly details, let me remind you of what our year-long investigation uncovered, because it's important to remember these things. We learned about a brazen man named Roger Tamraz, who contributed $300,000 in soft money to the Democratic Party for access to the White House in order

to try to override the NSC's rejection of his plan for a Caspian Sea oil pipeline. Ultimately, he never gained the White House support he was looking for but he did get to talk to the President of the United States. Any lessons to be learned from his experience, we asked? Yes, he responded. Next time he would contribute $600,000. After this remarkable comment, Tamraz admitted he had never even bothered to register to vote because, in his words, his checkbook was worth ''a bit more than a vote.''

We also learned about Johnny Chung, a California entrepreneur, who visited the White House 49 times, had lots of pictures taken with the President, and once gave the First Lady's chief of staff a $50,000 check right there in the East Wing. He had a particularly jarring assessment of our government. ''I see the White House is like a subway,'' he told the committee. ''You have to put in coins to open the gates.''

For those of you who may think these are just marginal opportunists who slipped through the cracks of our system, let me remind you of the revolving cast of top-dollar contributors who slept in the Lincoln bedroom and of the chairman of the Republican Party who sought a $2.1 million loan for a Republican think tank from a Hong Kong industrialist, which was intentionally defaulted on 2 years later. The chairman said he had no idea this was a foreign contribution, even though the industrialist had renounced his U.S. citizenship and the chairman obtained the loan while cruising Hong Kong Harbor on the industrialist's luxury yacht.

These are colorful stories and among the most outrageous incidents uncovered by the committee. But the far more prevalent collection of big soft money donations came not from the carnival hawkers but from mainstream corporate and union interests and individuals. In total, the parties raised $262 million in soft money during the 1996 campaigns—12 times the amount they raised in 1984. And that's chicken feed compared to the amount of soft money being raised for the 2000 campaign. Based on the first 6 months of this year, both parties have doubled their take over the same period in 1995.

To my friends who say these contributions are an expression of free and protected speech, I respectfully disagree. Free speech is abut the inalienable right to express our views without government interference. It is about the vision the Framers of our Constitution enshrined—a vision that ensures that we will never compromise our American birthright to offer opinions, even when those opinions are unpopular or repugnant. But that is not at issue here, Mr. President. Absolutely nothing in this campaign finance bill will diminish or threaten any American's right to express his or her views about candidates running for office or about any other issue in American life.

What we would be threatening, is something entirely different, and that is the ever increasing and disproportionate power that those with money have over our political system. Let's not fool ourselves—because the American public isn't fooled. Much of the campaign money raised comes from people seeking to maintain their access to, and perhaps sway over, particular parties or candidates. That explains why so many big givers are so generous with both parties at the same time.

Everyone of us in this chamber knows intimately the cost of running for office. It requires us to spend so much more time raising money than we ever did in the past, so much more time that we find we have less time to do the things that led us to run for office in the first place. Barely a day seems to go by in this town in which there is not an event or a meeting with elected officials attended only by those who can afford sums of money that are beyond the capacity of the overwhelming majority of Americans to give. That, Mr. President, is threatening the principle that I—and all of us, I dare say—hold just as dearly as the principle of free speech. It is the genius of our Republic, the principle that promises one man, one vote, that every person—rich or poor, man or woman, white or black, Christian or Jew, Muslim or Hindu—has an equal right and an equal ability to influence the workings of their government.

I have always said the most serious transgressions of the 1996 presidential campaign were legal. Wealthy donors contributing hundreds of thousands of dollars in soft money blatantly skirted legal limits on individual contributions. Unions and corporations donate millions to both Republican and Democratic parties, despite decades-old prohibitions on union and corporate involvement in federal campaigns. And tax-exempt groups paid for millions of dollars worth of television ads that clearly endorsed or attacked particular candidates even though the groups were barred by law from engaging in such extensive partisan electoral activity. Each of these acts compromised the integrity of our elections and our government. Each of these acts violated the spirit of our laws.

To achieve significant reform of the Federal Election Campaign Act, the unrelenting pressure to raise vast sums of money simply must be reduced. A ban on soft money contributions is the necessary beginning to that process and the current McCain-Feingold proposal is the vehicle through which this goal can best be accomplished now. I believe the record created by the Governmental Affairs Committee's hearing in 1997 helped that bill obtain the votes of a majority of the Senate in the 105th Congress, but an anti-reform minority filibustered the bill and prevented it from passing. The House has twice approved the companion Shays-Meehan proposal. A majority of Congress supports this bill. A large majority of the American public supports this bill. One day, if not today, it will become law. By placing a limit on the amount of money raised for campaigns, we can restore a sense of integrity—and of sanity—to our campaign financing system and to our democracy.

If I could waive a magic wand, I would have Congress enact far broader reforms than what is in the bill before us today. I would make sure that advertisements for candidates could no longer masquerade as so-called issue ads, thereby evading the disclosure requirements of our campaign laws; I would make sure that no organization could claim the benefit of tax-exemption and then work to influence the election or defeat of particular candidates or parties. I would make sure that candidates for the Presidency who receive public funds live up to the original intent of the law, that they remain above the fund-raising fray and abstain from raising any more money once they have accepted public funds. I would like to see more exacting criminal law provisions become part of the campaign finance law. Indeed, I hope to offer and support amendments aimed at some of these problems as our debate on this bill continues.

The truth is that we can never fully write into law what every citizen has a right to expect from his or her representatives—that those who seek to write the rules for the nation will respect them, rather than search high and low for ways to evade their requirements and eviscerate their intent; and that those who have sworn to abide by the Constitution will honor the trust and responsibilities the Constitution places in their hands.

We can, however, reduce the feverish and incessant chase for money, the chase that has pushed candidates and their parties to duck, dodge and ultimately debase the laws we have now. The pressure to raise ever expanding sums of cash will continue to drive good people to do bad things, almost regardless of what the law calls for, if we do not recast the system to permanently defuse the fund-raising arms race and stem the corrosive influence of big money. That is the challenge ahead of us.

Mr. MCCONNELL. Mr. President, the first amendment does not permit regulation of contributions or expenditures for issue advocacy. The Supreme Court has allowed regulation of contributions and expenditures that are (1) coordinated with a candidate—and thus a contribution—as well as (2) those that can be used to expressly advocate the election or defeat of a candidate, including independent expenditures by corporations and unions—but not independent expenditures of political parties. The Supreme Court has never allowed regulation of contributions and expenditures for issue advocacy and other activities that are (1) not coordinated with a candidate and (2) do not include express advocacy of the election or defeat of a candidate.

Buckley and its progeny prohibit regulation of issue ads and contributions

and expenditures used to engage in issue advocacy. As originally drafted, the Federal Election Campaign Act FECA would have required disclosure of all contributions over $10 received by any organization which publicly referred to any candidate or any candidate's voting record, positions, or official acts of candidates who were federal officeholders.

The D.C. Court of Appeals struck down this ''issue advocacy'' provision in *Buckley* v. *Valeo,* 519 F.2d 821, 869–78 (D.C. Cir. 1975). The invalidation of the issue advocacy disclosure provision was the only part of the D.C. Circuit's decision that was not appealed to the Supreme Court. Back then supporters of regulation at least accepted the constitutional impossibility of regulating issue advocacy.

In *Buckley* v. *Valeo,* 424 U.S. 1, 43 (1976), the Supreme Court expanded upon the D.C. Circuit's view that issue advocacy could not be regulated and limited the scope of FECA's contribution limits and other regulations to cover only money used for ''communications that include explicit words of advocacy of election or defeat of a candidate.'' This includes money contributed to a candidate, his committee and the hard money account of his party.

The court stated that ''funds used to propagate * * * views on issues without expressly calling for a candidate's election or defeat are * * * not covered by FECA.''

And such funds cannot be covered by any bill Congress adopts because the Supreme Court said in *Buckley* that its narrow construction of the Federal Election Campaign Act (FECA), limiting its scope to money that can be used for ''express advocacy,'' was necessary to avoid ''constitutional deficiencies.''

In sum, the *Buckley* Court looked at Congress' effort to cover ''all spending'' intended to ''influence'' elections and said we cannot regulate beyond the realm of express advocacy. *Buckley* held that:

> So long as persons and groups eschew expenditures that in express term advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views.

As one former FEC chairman, Trevor Potter, has written, *Buckley*.

> Clearly meant that much political speech Congress had intended to be regulated and disclosed without instead be beyond the reach of campaign finance laws.

The outer bounds of constitutionally permissible regulation of political activity. The farthest the Supreme Court has ever gone in permitting constraints on political speech was its decision in *Austin* v. *Michigan Chamber of Commerce,* 494 U.S. 652 (1990).

In this case the Court upheld prohibitions on independent expenditures—non-coordinated ads that expressly advocate the election or defeat of a candidate—paid for directly from corporate treasuries.

There is no basis for construing this case as justifying restrictions or prohibitions on contributions or expenditures that are not express advocacy.

In fact, any argument that *Austin* provides a basis for contribution or expenditure limits on funds that do not go to a candidate and are not otherwise used for express advocacy is foreclosed by the Supreme Court's decision in *First National Bank of Boston* v. *Bellotti,* 435 U.S. 765 (1978).

In *Bellotti* the Court ruled that a Massachusetts statute prohibiting ''corporations from making contributions or expenditures for the purpose of . . . influencing or affecting the vote on any question submitted to the voters'' was unconstitutional because it infringed the first amendment right of the corporations to engage in issue advocacy and, more importantly, the wider first amendment right ''of public access to discussion, debate, and the dissemination of information and ideas.''

The case made clear the distinction between portions of the challenged law ''prohibiting or limiting corporate contributions to political candidates or committees, or other means of influencing candidate elections'' (which were not challenged) and provisions ''prohibiting contributions and expenditures for the purpose of influencing . . . issue advocacy.

The Court explained that the concern that justified former ''was the problem of corruption of elected representatives through creation of political debts'' and that the latter (issue ads) ''presents no comparable problem'' since it involved contributions and expenditures that would be used for issue advocacy rather than communications that expressly advocate the election or defeat of a candidate.

*Bellotti* conclusively rejected prohibitions on contributions and expenditures for issue advocacy, while expressly leaving open the possibility that the government ''might well be able to demonstrate the existence of a danger of real or apparent corruption in independent expenditures by corporations to influence candidate elections.''

And *Austin* merely confirmed that the state government could regulate or even prohibit independent expenditures by corporations, which are used to expressly advocate the election or defeat of a candidate. But *Austin* has nothing to do with contributions and expenditures for communications discussing issues.

The reformers are fond of the Supreme Court's statements in *Austin* concerning the corrupting influence of aggregated wealth. But this dicta does not support regulation of party soft money. And arguments predicated on it do not withstand scrutiny.

This clear from the fact that after *Austin* the Supreme Court stated in the 1996 Colorado Republican Committee case that ''where there is no risk of ''corruption'' of a candidate, the government may not limit even contributions.''

Moreoever, the Court has explained that the prohibitions on corporations and unions making contributions or independent expenditures that expressly advocate the election or defeat of a candidate are permissible to the extent that they ''prohibit the use of union or corporate funds for active electioneering on behalf of a candidate in a federal election'' the Court does not consider contributions and expenditures used for issue advocacy and purposes other than expressly advocating the election or defeat of a federal candidate to involve such risks because it has held that the government cannot prohibit ''corporations any more than individuals from making contributions or expenditures advocating views,'' that is a quote from Citizens Against Rent Control, 454 U.S. 290, 297–98 (1981).

Moreover, the Court has explained that ''Groups [such as political parties] . . . formed to disseminate political ideas, not to amass capital'' do not raise the specter of distortion of the political process necessitating regulations on the use of the treasury funds of unions and for profit corporations because the resources of groups such as political parties and other issue groups ''are not a function of [their] success in the economic marketplace but popularity in the political marketplace.''

Restrictions on issue advocacy, including contributions for it are always invalidated by the Supreme Court. Consistent with this narrow definition of the legislative power to intrude into this most protected area of free speech, the Supreme Court has declared unconstitutional the most rudimentary state and local restrictions on individuals, political committees and corporations when it involved regulation of issue advocacy and the funds that pay for it, as opposed to contributions or expenditures for express advocacy.

See *McIntyre* v. *Ohio Elections Comm'n,* 514 U.S. 334, 356 (1995), invalidating requirement that issue-oriented pamphlets identify the author;

*Citizens Against Rent Control* v. *City of Berkeley,* 454 U.S. 290, 197 (1981), invalidating city ordinance limiting contributions to committees formed to engage in issue advocacy.

*First National Bank* v. *Belotti,* 435 U.S. 765 (1978), invalidating law banning corporate contributions and expenditures for issue advocacy.

## PROGRESS ON EAST TIMOR

Mr. KENNEDY. Mr President, the Indonesian Parliament acted wisely today in ratifying the overwhelming vote of the East Timorese people for independence and recognizing the right of self-determination for these people.

The militias that have terrorized the East Timorese people since the historic August 30 referendum should end their campaign of violence. From their bases in West Timor, the militias have continued to act with impunity against

East Timorese refugees in camps in West Timor. Through intimidation tactics, they have undermined the efforts of international humanitarian agencies to provide assistance and to facilitate repatriation.

Many of us have been alarmed by persistent reports that the Indonesian military has continued to aid and abet the militias. On October 11, the commander of the international peace keeping force in East Timor demanded a formal explanation from the Indonesian government as to whether any Indonesian soldiers or police officers were involved in a militia attack against the international peacekeepers on October 10. Officials from the peacekeeping force said that uniformed soldiers and police officers had escorted the militias and did nothing as militia members opened fire on the peacekeepers. I urge the Indonesian military and security forces to sever all links with the militias.

I welcome the establishment by the United Nations Human Rights Commission of a commission of inquiry to investigate the atrocities that occurred in East Timor following President Habibie's decision to hold the referendum on East Timor's status. The Indonesian government must end collaboration with the militias if this investigation of the atrocities is to be credible.

In the coming weeks, the United States should do all it can to see that the transition to independence is accomplished peacefully and that those responsible for atrocities are brought to justice.

## HATE CRIMES PREVENTION ACT IN THE COMMERCE JUSTICE STATE APPROPRIATIONS BILL

Mr. HARKIN. Mr. President, I want to express to the conferees of Commerce Justice State Appropriations the importance of keeping the Hate Crimes Prevention Act in the spending bill.

I am a cosponsor of this legislation that expands the federal criminal civil rights statute on hate crime by removing unnecessary obstacles to federal prosecution and by providing authority for federal involvement in crimes directed at individuals because of their race, color, religion, national origin, gender, sexual orientation or disability.

In particular, prejudice against people with disabilities takes many forms. Such bias often results in discriminatory actions in employment, housing, and public accommodations. Laws like the Fair Housing Amendments Act, the Americans with Disabilities Act, and the Rehabilitation Act are designed to protect people with disabilities from such prejudice

But disability bias also manifests itself in the form of violence—and it is imperative that the federal government send a message that these expressions of hatred are not acceptable in our society.

For example, a man with mental disabilities from New Jersey was kidnaped by a group of nine men and women and was tortured for three hours, then dumped somewhere with a pillowcase over his head. While captive, he was taped to a chair, his head was shaved, his clothing was cut to shreds, and he was punched, whipped with a string of beads, beaten with a toilet brush, and, possibly, sexually assaulted. Prosecutors believe the attack was motivated by disability bias.

In the state of Maine, a married couple both living openly with AIDS, struggling to raise their children. Their youngest daughter was also infected with HIV. The family had broken their silence to participate in HIV/AIDS education programs that would inform their community about the tragic reality of HIV infection in their family. As a result of the publicity, the windows of their home were shot out and the husband was forcibly removed from his car at a traffic light and severely beaten.

Twenty-one states and the District of Columbia have included people with disabilities as a protected class under their hate crimes statutes. However, state protection is neither uniform nor comprehensive. The federal government must send the message that hate crimes committed on the basis of disability are as intolerable as those committed because of a person's race, national origin, or religion. And, federal resources and comprehensive coverage would give this message meaning and substance. Thus, it is critical that people with disabilities share in the protection of the federal hate crimes statute.

Senator KENNEDY's Hate Crimes bill has the endorsement of the Administration and over 80 leading civil rights and law enforcement organizations. It is a constructive and sensible response to a serious problem that continues to plague our nation—violence motivated by prejudice. It deserves full support, and I am hopeful that it is included in the final version that the President signs.

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

### PORT MCKENZIE PROJECT

Mr. STEVENS. Mr. President, I would like to ask the chairman of the Subcommittee on Transportation to clarify a provision in the fiscal year 2000 transportation appropriations conference report. The conference report refers to the ''Anchorage Ship Creek intermodal facility.'' The Ship Creek area of Anchorage is undergoing an important redevelopment that will include intermodal access across Knik Arm to the Matanuska-Susitna Valley. This grant will help improve the Port McKenzie facility, a multi-use facility which will support transit between Anchorage and the Mat-Su area. The Matanuska-Sustina Borough is the sponsor of this project and the logical applicant for this funding. Do I understand correctly that is the intent of the committee?

Mr. SHELBY. The chairman of the full committee is correct. That is the intent of the conference committee.

## REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 66

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 1999.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property subject to the jurisdiction of the United States and by depriving them of access to the United States market and financial system.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 19, 1999.*

## MESSAGES FROM THE HOUSE

At 1:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed to the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 71. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

H.R. 462. An act to clarify that governmental pension plans of the possessions of

the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income.

H.R. 795. An act to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes.

H.R. 2140. An act to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia.

H.R. 2821. An act to amend the North American Wetlands Conservation Act to provide for appointment of 2 additional members of the North American Wetlands Conservation Council.

H.R. 2886. An act to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 196. Concurrent resolution permitting the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to President and Mrs. Gerald R. Ford.

The message further announced that the House has agreed to the amendments of the Senate to the bill, H.R. 659, to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historic Park, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

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At 6:21 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1180. An act to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

The message also announced that the Clerk of the House is directed to return to the Senate the bill (S. 331) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes, in compliance with a request of the Senate for the return thereof.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 659. An act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 462. An act to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income; to the Committee on Finance.

H.R. 795. An act to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes; to the Committee on Indian Affairs.

H.R. 2821. An act to amend the North American Wetlands Conservation Act to provide for appointment of 2 additional members of the North American Wetlands Conservation Council; to the Committee on Environment and Public Works.

H.R. 2886. An act to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act; to the Committee on the Judiciary.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 196. Concurrent resolution permitting the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to President and Mrs. Gerald R. Ford; to the Committee on Rules and Administration.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5679. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 99–NM–277 (10–4/10–7)'' (RIN2120–AA64) (1999–0382), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5680. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Series Airplanes; Docket No. 98–NM–378 (10–4/10–7)'' (RIN2120–AA64) (1999–0383), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5681. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–301, and Model A340–211, –212, –311, and –312 Series Airplanes; Docket No. 99–NM–119 (10–1/10–4)'' (RIN2120–AA64) (1999–0377), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5682. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–145 Series Airplanes; Request for Comments; Docket No. 99–NM–198 (10–1/10–4)'' (RIN2120–AA64) (1999–0376), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5683. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA Series Airplanes; Docket No. 99–NM–29 (1–1/10–4)'' (RIN2120–AA64) (1999–0375), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5684. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series Airplanes; Docket No. 98–NM–346 (–28/10–4)'' (RIN2120–AA64) (1999–0373), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5685. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Allied Signal, Inc. TFE731 Series Turbofan Engines; Docket No. 97–ANE–51 (9–29/10–4)'' (RIN2120–AA64) (1999–0374), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5686. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA–360C, SA–365C, and C1, and C2 Helicopters; Request for Comments; Docket No. 99–SW–15 (10–4/10–7)'' (RIN2120–AA64) (1999–0380), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5687. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model EC120B Helicopters; Request for Comments; Docket No. 99–SW–53 (10–4/10–7)'' (RIN2120–AA64) (1999–0381), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5688. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters, Inc. Model 369D, 369E, 369FF, 500N and 600N Helicopters; Docket No. 98–SW–80 (9–30/10–4)'' (RIN2120–AA64) (1999–0378), received October

12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5689. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Burkhart Grob Luft-Und Raumfahrt GmbH and CO KG Models G103 TWIN II and G103A TWIN II ACRO Sailplanes; Request for Comments; Docket No. 99–CE–68 (9–29/10–4)'' (RIN2120–AA64) (1999–0379), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5690. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Class D Airspace; Bullhead City, AZ; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–AWP–8 (9–20/10–4)'' (RIN2120–AA66) (1999–0320), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5691. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Moundsville, WV: Docket No. 99–AEA–11 (9–29/10–4)'' (RIN2120–AA66) (1999–0319), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5692. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Kansas City, MO; Correction; Docket No. 99–ACE–34 (10–4/10–7)'' (RIN2120–AA66) (1999–0334), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5693. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Georgetown, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–18 (10–5/10–7)'' (RIN2120–AA66) (1999–0326), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5694. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Mineral Wells, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–20 (10–5/10–7)'' (RIN2120–AA66) (1999–0325), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5695. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Falfarrias, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–21 (10–5/10–7)'' (RIN2120–AA660 (1999–0323), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5696. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Alice, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–23 (10–5/10–7)'' (RIN2120–AA66) (1999–0324), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5697. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Corpus Christi, TX; Direct Final Rule; Request for Comments; Docket No. 99–ASW–22 (10–5/10–7)'' (RIN2120–AA66) (1999–0322), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5698. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Raton, NM; Direct Final Rule; Request for Comments; Docket No. 99–ASW–11 (9–23/9–30)'' (RIN2120–AA66) (1999–0317), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5699. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Perry, OK; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–15 (9–29/10–4)'' (2120–AA66) (1999–0321), received October 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5700. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Cable Union, WI; Docket No. 99–AGL–41 (10–5/10–7)'' (RIN2120–AA66) (1999–0332), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5701. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Hayward, WI; Docket No. 99–AGL–40 (10–5/10–7)'' (RIN2120–AA66) (1999–0331), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5702. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Belleville, IL; Docket No. 99–AGL–39 (10–5/10–7)'' (RIN2120–AA66) (1999–0333), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5703. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; St. Michael, AK; Docket No. 99–AAL–10 (10–5/10–7)'' (RIN2120–AA66) (1999–0330), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5704. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Kalskag, AK; Docket No. 99–AAL–14 (10–6/10–7)'' (RIN2120–AA66) (1999–0327), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5705. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Mountain Village, AK; Docket No. 99–AAL–9 (10–5/10–7)'' (RIN2120–AA66) (1999–0329), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5706. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Aniak, AK and St. Mary's, AK; Docket No. 99–AAL–7 (10–5/10–7)'' (RIN2120–AA66) (1999–0328), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 976. A bill to amend title V of the Public Health Service Act to focus the authority of the Substance Abuse and Mental Health Services Administration on community-based services children and adolescents, to enhance flexibility and accountability, to establish programs for youth treatment, and to respond to crises, especially those related to children and violence (Rept. No. 106–196).

## EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. CHAFEE, for the Committee on Environment and Public Works:

Gerald V. Poje, of Virginia, to be a member of the Chemical Safety and Hazard Investigation Board for a term of five years. (Reappointment)

Skila Harris, of Kentucky, to be a member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2008.

Glenn L. McCullough, Jr., of Mississippi, to be a member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2005.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself, Mr. BURNS, and Mr. MCCONNELL):

S. 1747. A bill to amend the Federal Election Campaign Act of 1971 to exclude certain Internet communications from the definition of expenditure; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. KOHL, Mr. TORRICELLI, and Mr. SCHUMER):

S. 1748. A bill to amend chapter 87 of title 28, United States Code, to authorize a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation

cases for trial; to the Committee on the Judiciary.

By Mr. CRAPO:

S. 1749. A bill to require the Commissioner of Food and Drugs to issue revised regulations relating to dietary supplement labeling, to amend the Federal Trade Commission Act to provide that certain types of advertisements for dietary supplements are proper, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself, Mr. LEAHY, and Mr. KOHL):

S. 1750. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1751. A bill to amend the Federal Election Campaign Act of 1971 to modify reporting requirements and increase contribution limits, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. KOHL, Mr. TORRICELLI, and Mr. LUGAR):

S. Res. 205. A resolution designating the week of each November in which the holiday of Thanksgiving is observed as ''National Family Week''; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. LOTT, Mr. HELMS, Mr. INHOFE, Mr. ALLARD, Mr. KYL, Mr. THURMOND, and Mr. HUTCHINSON):

S. Con. Res. 61. A concurrent resolution expressing the sense of the Congress regarding a continued United States security presence in Panama and a review of the contract bidding process for the Balboa and Cristobal port facilities on each end of the Panama Canal; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself, Mr. BURNS, and Mr. MCCONNELL):

S. 1747. A bill to amend the Federal Election Campaign Act 0f 1971 to exclude certain Internet communications from the definition of expenditure; to the Committee on Rules and Administration.

INTERNET FREEDOM PROTECTION ACT

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

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

S. 1747

*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 ''Internet Freedom Protection Act''.

**SEC. 2. EXCLUSION OF CERTAIN INTERNET COMMUNICATIONS FROM DEFINITION OF EXPENDITURE.**

Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended—

(1) in clause (ix), by striking ''and'' at the end;

(2) in clause (x), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(xi) any communication or dissemination of material through the Internet (including electronic mail, chat rooms, and message boards) by any individual, if such material—

''(I) is not a paid advertisement;

''(II) does not solicit funds for, or on behalf of, a candidate or political committee;

''(III) is disseminated for the purpose of communicating or disseminating the opinion of such individual (including an endorsement) regarding a political issue or candidate; and

''(IV) is not communicated or disseminated by any individual that receives payment or any other form of compensation for such communication or dissemination.''.

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By Mr. HATCH (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. KOHL, Mr. TORRICELLI, and Mr. SCHUMER):

S. 1748. A bill to amend chapter 87 of title 28, United States Code, to authorize a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial; to the Committee on the Judiciary.

MULTIDISTRICT JURISDICTION ACT OF 1999

Mr. HATCH. Mr. President, I am introducing today a bill entitled the ''Multidistrict Jurisdiction Act of 1999.'' This bill would restore a 30-year-old practice under which a single court, to which several actions with common issues of fact were transferred for pretrial proceedings, could retain the multidistrict actions for trial.

This bill is necessary to correct a statutory deficiency pointed out by the Supreme Court in *Lexecon* v. *Milbert Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1997). It is an important bill for judicial efficiency and for encouraging settlements of multidistrict cases. And I am pleased that the Judicial Conference and the Multidistrict Litigation Panel support this bill. Moreover, I am pleased that this is a bipartisan bill with Senators LEAHY, GRASSLEY, TORRICELLI, KOHL, and SCHUMER as cosponsors.

Section 1407(a) of title 28, United States Code, authorizes the Multidistrict Litigation Panel to transfer civil actions with common questions of fact ''to any district for coordinated or consolidated pretrial proceedings.'' It also requires the Panel, on or before the conclusion of such pretrial proceedings, to remand any such actions to the district courts in which they were filed. However, for the 30 years prior to the Lexecon decision, federal courts followed the practice of allowing the single transferee court, upon the conclusion of pretrial proceedings, to transfer all of the actions to itself under the general venue provisions contained in 28 U.S.C. §1404. This had the practical advantage of allowing the single transferee court to retain for trial the multiple actions for which it had conducted pretrial proceedings. This greatly enhanced judicial efficiency and encouraged settlements.

In Lexecon, however, the Supreme Court held that the literal terms of 28 U.S.C. §1407 did not allow the single transferee court to retain the multidistrict actions after concluding pretrial proceedings. Instead, the Court held, the plain terms of §1407 required the Panel to remand the actions back to the multiple federal district courts in which the actions originated. The Court noted that to keep the practice of allowing the single transferee court to retain the actions after conducting the pretrial proceedings, Congress would have to change the statute.

The bill would amend 28 U.S.C. §1407 to restore the traditional practice of allowing the single transferee court to retain the multiple actions for trial after conducting pretrial proceedings. The bill also includes a provision under which the single transferee court would transfer the multiple actions back to the federal district courts from which they came for a determination of compensatory damages if the interests of justice and the convenience of the parties so require.

Mr. President, this bill is very similar to the first portion of a H.R. 2112 that passed the House of Representatives under the effective leadership of Congressman SENSENBRENNER. H.R. 2112 includes both the ''Lexecon fix'' and a provision to streamline catastrophe litigation. I believe that both provisions would make good law. However, the Lexecon matter constitutes an emergency for the Multidistrict Litigation Panel, which has a large number of these cases poised for remand if the retention practice is not restored. The catastrophe legislation would constitute an important improvement, but is not an emergency matter. Given this situation, I propose that we pass only the ''Lexecon fix'' during this session by unanimous consent and work to pass the catastrophe legislation during the second session.

Senators LEAHY, GRASSLEY, TORRICELLI, KOHL, SCHUMER, and I look forward to passing the Multidistrict Jurisdiction Act of 1999 very quickly. The Judiciary awaits our prompt action.

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

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

S. 1748

*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 ''Multidistrict Jurisdiction Act of 1999''.

**SEC. 2. MULTIDISTRICT LITIGATION.**

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting ''or ordered transferred to the transferee or other district under subsection (i)'' after ''terminated''; and

(2) by adding at the end the following new subsection:

''(i)(1) Subject to paragraph (2), any action transferred under this section by the panel may be transferred, for trial purposes, by the

judge or judges of the transferee district to whom the action was assigned to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

''(2) Any action transferred for trial purposes under paragraph (1) shall be remanded by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages.''.

**SEC. 3. EFFECTIVE DATE.**

The amendments made by this Act shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

Mr. LEAHY. Mr. President, I am pleased to join the distinguished Chairman of the Senate Judiciary Committee, Senator GRASSLEY, Senator TORRICELLI, Senator KOHL, and Senator SCHUMER in introducing the Multi-District Jurisdiction Act of 1999. Our bipartisan legislation is needed by Federal judges across the country to restore their power to promote the fair and efficient administration of justice in multi-district litigation.

Current law authorizes the Judicial Panel on Multi-District Litigation to transfer related cases, pending in multiple Federal judicial districts, to a single district for coordinated or consolidated pretrial proceedings. This makes good sense because transfers by the Judicial Panel on Multi-District Litigation are based on centralizing those cases to serve the convenience of the parties and witnesses and to promote efficient judicial management.

For nearly 30 years, many transferee judges, following circuit and district court case law, retained these multi-district cases for trial because the transferee judge and the parties were already familiar with each other and the facts of the case through the pretrial proceedings. The Supreme Court in Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach, 523 U.S. 26 (1998), however, found that this well-established practice was not authorized by the general venue provisions in the United States Code. Following the Lexecon ruling, the Judicial Panel on Multi-District Litigation must now remand each transferred case to its original district at the conclusion of the pretrial proceedings, unless the case is already settled or otherwise terminated. This new process is costly, inefficient and time consuming.

The Multi-District Jurisdiction Act of 1999 seeks to restore the power of transferee judges to resolve multi-district cases as expeditiously and fairly as possible. Our bipartisan bill amends section 1407 of title 28 of the United States Code to allow a transferee judge to retain cases for trial or transfer those cases to another judicial district for trial in the interests of justice and for the convenience of parties and witnesses. The legislation provides transferee judges the flexibility they need to administer justice quickly and efficiently. Indeed, our legislation is supported by the Administrative Office of the U.S. Courts, the Judicial Conference of the United States and the Department of Justice.

In addition, we have included a section in our bill to ensure fairness during the determination of compensatory damages by adding the presumption that the case will be remanded to the transferor court for this phase of the trial. Specifically, this provision provides that to the extent a case is tried outside of the transferor forum, it would be solely for the purpose of a consolidated trial on liability, and if appropriate, punitive damages, and that the case must be remanded to the transferor court for the purposes of trial on compensatory damages, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages. This section is identical to a bipartisan amendment proposed by Representative BERMAN and accepted by the House Judiciary Committee during its consideration of similar legislation earlier this year.

Multi-district litigation generally involves some of the most complex fact-specific cases, which affect the lives of citizens across the nation. For example, multi-district litigation entails such national legal matters as asbestos, silicone gel breast implants, diet drugs like fen-phen, hemophiliac blood products, Norplant contraceptives and all major airplane crashes. In fact, as of February 1999, approximately 140 transferee judges were supervising about 160 groups of multi-district cases, with each group composed of hundreds, or even thousands, of cases in various stages of trial development.

But the efficient case management of these multi-district cases is a risk after the Lexecon ruling. Judge John F. Nangle, Chairman of the Judicial Panel on Multi-District Litigation, recently testified before Congress that: ''Since Lexecon, significant problems have arisen that have hindered the sensible conduct of multi-district litigation. Transferee judges throughout the United States have voiced their concern to me about the urgent need to enact this legislation.''

Mr. President, Congress should listen to the concerned voices of our Federal Judiciary and swiftly approve the Multi-District Jurisdiction Act of 1999 to improve judicial efficiency in our Federal courts.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleagues in introducing the Multidistrict Jurisdiction Act of 1999. This legislation would make a technical fix to section 1407 of Title 28, the multidistrict litigation statute, in response to the recent Supreme Court decision in Lexecon v. Milberg Weiss.

Section 1407(a) of Title 28 authorizes the Judicial Panel on Multi-District Litigation to transfer civil actions with common issues of fact to any district for coordinated or consolidated pretrial proceedings, but requires the Panel to remand any such action to the original district at or before the conclusion of such pretrial proceedings. Until the Lexecon decision, the federal courts followed the practice of allowing a transferee court to invoke the venue transfer provision and transfer a case to itself for trial purposes. However, the U.S. Supreme Court reversed this practice, holding that the literal terms of section 1407 do not give a district court conducting pretrial proceedings the authority to assign a transferred case to itself for trial.

This legislation would amend section 1407 of Title 28 to permit a judge with a transferred case to retain jurisdiction over multidistrict litigation cases for trial. This change was approved by the Judicial Conference and is supported by the Judicial Panel on Multi-District Litigation. The legislation also includes a provision under which a transferee court would transfer actions back to the federal district courts from which they came for a determination of compensatory damages if the interests of justice and the convenience of the parties so require.

The Multidistrict Jurisdiction Act of 1999 will promote the efficient administration of justice by allowing the federal courts to continue an effective practice they have been using for almost thirty years. It makes sense to allow the transferee judge who has conducted the pretrial proceedings and is familiar with the facts and parties of the transferred case to retain that case for trial. This significantly benefits the parties to a case, and reduces wasteful use of judicial and litigants' resources. I am glad to support this legislation, and I urge my colleagues to support it as well.

Mr. KOHL. Mr. President, I am pleased to join Senators HATCH, LEAHY, GRASSLEY, TORRICELLI, and SCHUMER in introducing the Multidistrict Jurisdiction Act of 1999. Our bipartisan measure will help give back to Federal judges the authority they need to handle multiple, overlapping cases as efficiently and effectively as possible.

This legislation essentially overturns the Supreme Court's decision in *Lexecon Inc.* v. *Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998). In that case, the Supreme Court rejected 30 years of practice during which trial courts overseeing related cases for consolidated pretrial proceedings had been permitted to retain jurisdiction of those cases for trial. That long-standing routine made plain common sense, because oversight by one court (instead of dozens of courts) is often the best use of resources, regardless of whether the parties are still in discovery or already at trial. Indeed, a consolidated trial may not only be more convenient for the parties and the witnesses, but it also promotes justice by keeping the case before a judge who is already familiar with the underlying facts.

Let me just point out that I do not mean to criticize the Supreme Court's decision as a matter of law. It may well be that the original Multidistrict Litigation statute was too narrowly drafted, and ultimately it is the responsibility of Congress to write—or, in this case, rewrite—the law to make sure it says what Congress intends.

While this measure is an important step forward, we must recognize that it is just that—a step. There is much more we can do to promote efficiency and fairness in litigation for both victims and defendants. In fact, the proposal to overturn Lexecon was first raised publicly at a hearing on class action reform in the House early last year, as just one of several proposals that would help ensure the fair administration of justice. Ironically, while this measure appears to be on the fast track, we continue to delay consideration of the other more pressing class action measures that were the focus of that hearing. And, while consolidation could be particularly valuable in the class action context, without class action reforms this bill actually won't affect most class actions. The reason is simple: while this bill only applies to cases filed in Federal court, most class actions—even ones that are nationwide in scope and shape nationwide policies—end up in State court.

Indeed, increased consolidation would help eliminate one of the most significant class action abuses—that is, the dangerous ''race to settlement'' among competing cases. Currently, overlapping class actions involving the same parties and the same claims put rival class lawyers in competition to get the first—and only—settlement available. The result is all too common: one lawyer lines his pockets with huge fees by taking a quickie settlement, while the class gets the short end of the stick. For example, in one instance involving overlapping Federal and State actions, the class lawyers who brought the State case negotiated a small settlement precluding all other suits, and even agreed to settle federal claims that were not at issue in State court. Meanwhile, the Federal court was outraged, finding that the Federal claims could have been worth more than $1 billion, while accusing the State class lawyers of ''hostile representation'' that ''surpassed inadequacy and sank to the level of subversion'' and of having ''more in line with the interests of [defendants] than those of their clients.''

This danger was recently underscored by the Judicial Conference's Advisory Committee on Civil Rules Report on Mass Tort Litigation, which found that ''[T]he risk is considerable that speedy justice may be converted into speedy injustice . . . if two or more courts enter a race to be first to achieve a disposition binding on all courts.'' The report added that, ''This risk is aggravated by the 'reverse auction' scenario . . . , in which a defendant may play would-be class representatives off against each other, bidding down the terms of settlement to the lowest level that can win approval by the most complaisant available court.'' This race to settlement, or ''reverse auction,'' shortchanges legitimate victims, while allowing blameworthy defendants to get off easy.

Mr. President, we can prevent abuses like this—and encourage efficiency—simply by permitting more overlapping nationwide class actions to be brought into Federal court, the only place where the consolidation procedure is available. Once the cases are consolidated, lead counsel will be appointed, making it impossible to shop around low-priced settlements and to pit competing class lawyers against each other. However, as long as these class actions can be kept in various State courts, this bill won't succeed in bringing consolidation to the complex cases that need it most.

That's one of the principal reasons why Senator GRASSLEY and I introduced the Class Action Fairness Act of 1999 (S. 353) earlier this year. Our proposal, which among other provisions allows more nationwide class actions to be removed to Federal court, would—in conjunction with the bill we are introducing today—help eliminate the race to settlement in most class actions, save court resources and promote efficiency by placing related class actions before one court. A similar measure has already passed the House, and we look forward to moving this measure ahead in the Senate.

Mr. President, I am proud to join my colleagues today in offering our proposal to return to Federal courts the authority they need to consider multiple, overlapping cases in a fair, expeditious and just manner. This is a necessary step in the direction of real reform, and I hope it will build momentum for more comprehensive reform, like the Grassley/Kohl Class Action Fairness Act.

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By Mr. CRAPO:

S. 1749. A bill to require the Commissioner of Food and Drugs to issue revised regulations relating to dietary supplement labeling, to amend the Federal Trade Commission Act to provide that certain types of advertisements for dietary supplements are proper, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

DIETARY SUPPLEMENT FAIRNESS IN LABELING AND ADVERTISING ACT

• Mr. CRAPO. Mr. President. I rise today to introduce the Dietary Supplement Fairness in Labeling and Advertising Act. The purpose of the legislation is to reaffirm Congress' intent in enacting the Dietary Supplement Health Education Act (DSHEA). In enacting DSHEA, Congress intended to insure that all Americans had access to factual information about vitamins and other dietary supplements so that they can make informed decisions about their health and well-being.

In recent years, the prevalence of scientific data demonstrating the benefits of proper nutrition, education, and appropriate use of dietary supplements to promote long-term health has increased tremendously. Additionally, preventative practices, including the safe consumption of dietary supplements, has been shown to significantly reduce the health-care expenditures in this country. That is why I continue to support research efforts that focus on preventative care. The role government funding can have in achieving scientific and medical gains in crucial. Past successes have frequently led to rapid technological advancements in medicine, biotechnology, and other important areas that shape our lives.

Over 100 million people use dietary supplements daily throughout the United States. This bill that I am introducing would allow access by the public to solid scientific research about the safe and proper use of dietary supplements. It prevents the Food and Drug Administration (FDA) from promulgating rules that change the intent of congressional regulations regarding structure and function claims and would amend the Federal Trade Commission Act to provide that certain types of advertisements for dietary supplements are proper.

DSHEA required the FDA to promulgate reasonable guidelines to regulate the content of dietary supplements labels. The goal of this requirement is to insure that the labels give consumers information necessary for them to decide whether they want to take a particular supplement, without making claims regarding medical or disease benefits (which are reserved for FDA-approved drugs).

The Federal Trade Commission (FTC) currently enforces a standard for advertising that conflicts with the intent of DSHEA. The FTC does not always allow the same information in advertising of dietary supplements that is allowed in labeling of the same products. For instance, the FTC has made it difficult to advertise the benefits of calcium, vitamin C, and other common and heavily studied supplements.

The information that the FDA allows as part of the labeling of a dietary supplement should also be allowed in advertising that same supplement, yet the FTC is seeking to regulate the advertising of dietary supplements by denying to consumers some of the very information that DSHEA required the FDA to let them use. This forces manufacturers to work under two sets of contradictory regulations and undermines the intent of Congress.

Additionally, this bill would instruct the FDA to withdraw the notice of proposed rulemaking published in the Federal Register of April 29, 1998, which attempts to regulate the types of statements made concerning the effects of dietary supplements on the structure or function of the body. The FDA is asserting responsibilities beyond congressional intent. Specifically, it is

seeking to change the definition of ''disease'' by deeming improper any claim that refers to the ''prevention or treatment of abnormal functions.'' In these cases, the product would be subject to regulation as a drug, rather than a dietary supplement. Furthermore, it was never Congress' intent to disallow the use of citations from credible scientific publications in providing accurate information in labeling of dietary supplements. Numerous, common sense examples can be made to demonstrate the irresponsible nature of this rule. Aging and pregnancy would now be considered diseases under the policy.

In passing this legislation, my hope is to continue to open up communication and provide access to fair and adequate reviews of all claims. This bill prescribes a method by which the Commission must act prior to filing a complaint that initiates any administrative or judicial proceeding alleging noncompliance by an advertiser. Simply, the FTC would be required to provide a full and fair opportunity for advertisers to consult with the Commission's scientific experts. Decisions about the use of dietary supplements should not be made by bureaucrats. Instead, meetings with scientific experts would provide for an open exchange of ideas and information, and ensure that decisions are based on concrete, substantial scientific evidence. This is good government practice, and during a time where our society has become far too litigious, I support strengthening the review process, prior to filing any claims or complaints.

I urge my colleagues to cosponsor the Dietary Supplement Fairness in Labeling and Advertising Act. It would insure that all Americans have access to factual information about vitamins and other dietary supplements so they can make informed decisions about their health and well-being, while continuing to provide adequate safeguards to protect the public good.●

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By Mr. DEWINE (for himself, Mr. LEAHY, and Mr. KOHL):

S. 1750. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary.

CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

● Mr. DEWINE. Mr. President, I rise today to introduce the Child Abuse Prevention and Enforcement Act (CAPE). This legislation would provide a much-needed increase in funding for the investigation of child abuse crimes, as well as prevention programs designed to prevent child abuse. This bill is similar to the legislation introduced by my Ohio colleague in the House of Representatives, DEBORAH PRYCE, which recently passed overwhelmingly in the House.

As a former Greene County, Ohio, prosecutor, and—more importantly—as a parent, nothing disturbs me more than reports of child abuse and neglect. As a prosecutor, I saw—- first-hand—too many examples of child victimization and abuse. These days, it seems like you can't turn on the local news without hearing about another unforgivable act of violence against a child. Some of these stories have become infamous. Yet, sadly, most stories of child abuse are quickly forgotten. Such stories have become so common, it seems that our collective conscience is seldom even affected any more.

The sheer numbers of abusive acts committed against our children are astounding. In my State of Ohio, one incident of child abuse or neglect is reported to authorities every three minutes! What's worse is that these reports of abuse are on the rise. In a study of child abuse, the Federal government found that the number of abused and neglected children in this country nearly doubled between 1986 and 1993. As a result, child protective service agencies across the country are facing more than a million cases of abused and neglected children each year.

The Federal government can take meaningful steps—starting now—to help fight child abuse. The Child Abuse Prevention and Enforcement Act would be one meaningful step. Through the use of advanced technology, this legislation would enhance the ability of law enforcement systems to exchange timely and accurate criminal history information with agencies involved in child welfare, child abuse, and adoption services.

Every day, State and local child welfare services attempt to ensure that children are cared for properly and living with loving families. It is their job to prevent at-risk children from being left under the same roof with domestic or child abusers. Often, when child welfare agencies conduct child safety assessments, criminal histories and civil protection order information are not always readily available. These agencies may not be getting the full story. The result, in some cases, is that an abused or neglected child is removed from one harmful environment only to be placed in another. To improve access to critical law enforcement information, the bill I am introducing today would amend the Crime Identification and Technology Act (CITA), which I sponsored last year, to allow State and local governments to use CITA grant dollars to enable the criminal justice system to provide criminal history information to child protection and welfare agencies.

Our bill also would allow the use of funds from the $550 million Byrne grant program for activities aimed at cracking down on and preventing child abuse and neglect. Since 1986, Byrne grant dollars have been used successfully to provide financial assistance to State and local governments to coordinate government efforts to fight crime and drug abuse. With our bill, State and local agencies could use Byrne grant dollars to train child welfare investigators and child protection workers. The funding also could help build and develop child advocacy centers and hospitals for the abused. These are just a few of many possible uses.

Mr. President, our bill would go even one step further to direct resources to fight against child abuse. It would double the amount of funds available to States and localities to assist the victims of crimes against children. Currently, $10 million of the Federal Crime Victims $383 million fund are earmarked for child abuse and domestic assistance programs. This fund is financed not by taxpayer dollars, but through criminal fines, penalties and forfeitures. While the fund has grown since its beginning in 1984, the amount reserved for assistance to victims of abuse has remained stagnant. Our bill would earmark $20 million to help public and nonprofit agencies provide necessary services like rescue shelters, 24-hour abuse hotlines, and counseling to victims of child abuse.

Mr. President, this is one piece of legislation that can and should pass the Senate quickly. As I noted earlier, a similar bill was overwhelmingly approved by the House by a vote of 425–2. More than 50 child protection organizations have endorsed this legislation, including the National Child Abuse Coalition; the National Center for Missing and Exploited Children; Fight Crime: Invest in Kids; the Family Research Council and the Christian Coalition; the American Professional Society of the Abuse of Children; and Prevent Child Abuse America.

I urge my colleagues here in the Senate to demonstrate their commitment to America's abused and neglected children by supporting this legislation. Let's show some compassion and support our States and local communities in the fight against child abuse.●

● Mr. LEAHY. Mr. President, I am pleased to join the senior Senator from Ohio in introducing the Child Abuse Prevention and Enforcement Act. Our bipartisan legislation builds on the successful passage into law of the Crime Identification Technology Act of 1998, which Senator DEWINE and I sponsored in the last Congress. Our bill also complements S. 249, the Missing, Exploited and Runaway Children Protection Act, which Senator HATCH and I worked together to steer to final passage just last month.

Unfortunately, the number of abused or neglected children in this country nearly doubled between 1986 and 1993. Each day there are 9,000 reports of child abuse in America and more than three million cases annually of abused or neglected children. In my home state of Vermont, 2,309 children were reported to child protective services for child abuse or neglect investigations in 1997, the last year data is available. After investigation, 1,041 of these reports found substantiated cases of child maltreatment in Vermont.

Each child behind these statistics is an American tragedy.

But we can help. The Child Abuse Prevention and Enforcement Act provides these abused or neglected children with the Federal assistance that they deserve. And our legislation can make a real difference in the lives of our nation's children without any additional cost to taxpayers.

Our bipartisan legislation will make a difference by giving State and local officials the flexibility to use existing Department of Justice grant programs to prevent child abuse and neglect, investigate child abuse and neglect crimes and protect children who have suffered from abuse and neglect. The bill does this by making three changes to current law.

First, the Child Abuse Prevention and Enforcement Act amends the Crime Identification Technology Act of 1998 to make grant dollars available specifically to enhance the capability of criminal history information to agencies and workers for child welfare, child abuse and adoption purposes. Congress has authorized $250 million annually for grants under the Crime Identification Technology Act.

Second, the Child Abuse Prevention and Enforcement Act amends the Byrne Grant Program to permit funds to be used for enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect. Congress has traditionally funded the Byrne Grant Program at about $500 million a year.

Third, the Child Abuse Prevention and Enforcement Act doubles the available funds, from $10 million to $20 million, for grants to each State for child abuse treatment and prevention from the Crime Victims Fund. This fund is financed through the collection of criminal fines, penalties and other assessments against persons convicted of crimes against the United States. In the 1998 fiscal year, the Crime Victims Fund held $363 million. To ensure that other crime victim programs support by the Fund are not reduced, the expansion of the child abuse treatment and prevention earmark applies only when the Fund exceeds $363 million in a fiscal year. This year, the Crime Victims Fund is expected to collect more than $1 billion due in part to large anti-trust penalties.

Despite the tireless efforts of concerned Vermonters, including the many dedicated workers and volunteers at Prevent Child Abuse in Vermont and the Vermont Department of Social and Rehabilitative Services, Vermont is below the national average for its ability to provide services to abused or neglected children. In 1997, 411 children found to be abused or neglected received no services, about 40 percent of investigated cases. Nationally, about 25 percent of all abused or neglected children received no services. Our legislation provides more resources to help Vermonters and other Americans provide services to all abused or neglected children.

I thank the many advocates who support our bill and the companion legislation introduced by Representatives PRYCE and STEPHANIE TUBBS JONES, H.R. 764, which passed the House of Representatives by a vote of 425–2 on October 5, 1999. These advocates include the diverse National Child Abuse Coalition: ACTION for Child Protection; Alliance for Children and Families; American Academy of Pediatrics; American Bar Association; American Dental Association; American Professional Society on the Abuse of Children; American Prosecutors Research Institute; American Psychological Association; Association of Junior Leagues International; Boy Scouts of America; Child Welfare League of America; Childhelp USA; Children's Defense Fund; General Federation of Women's Club; National Alliance of Children's Trust and Prevention Funds; National Association of Child Advocates; National Association of Counsel for Children; National Association of Social Workers; National Children's Alliance; National Committee to Prevent Child Abuse; National Council of Jewish Women; National Court Appointed Special Advocates Association; National Education Association; National Exchange Club Foundation for Prevention of Child Abuse; National Network for Youth; National PTA; Parents Anonymous; and Parents United. In addition, the National Center for Missing and Exploited Children and Prevent Child Abuse America have endorsed our bill and its House counterpart.

Mr. President, I urge my colleagues to support the Child Abuse Prevention and Enforcement Act for the sake of our nation's children.●

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By Mr. HATCH:

S. 1751. A bill to amend the Federal Election Campaign Act of 1971 to modify reporting requirements and increase contribution limits, and for other purposes; to the Committee on Finance.

CITIZENS' RIGHT TO KNOW ACT OF 1999

Mr. HATCH. Mr. President, last week, the minority put the Senate in a take-it-or-leave, it position with respect to campaign finance reform. Using a parliamentary tactic that foreclosed other amendments from being offered, and then objecting to requests to take up other proposals, the proponents of S. 1593, the McCain-Feingold campaign finance reform bill, got what they wanted—a vote on an unamended, and therefore unimproved, version of their bill.

Mr. President, there are many of us who agree that we should make changes in our campaign finance laws; but, we disagree that we should compromise the First Amendment to do it.

Today, I am introducing the ''Citizens' Right to Know Act,'' a bill that represents my thinking on campaign finance reform.

Many pundits and many colleagues here in Congress perceive that the American people think that our government has become too fraught with special interest influence, bought with special interest campaign contributions. We have all heard voters voice their frustrations about government. Given some of the games we play up here that affect necessary legislation—such as the bankruptcy bill to name just one example—this attitude is not surprising or unwarranted.

Yet, it may be a mistake to interpret these frustrations as widespread cynicism about the influence of special interests rather than about the government's inability to enact tax relief, inertia on long-term Social Security and Medicare reforms, and the tug-of-war on budget and appropriations.

Nevertheless, it goes without saying that maintaining the integrity of our election system and citizens' confidence in it has to be among our highest priorities. The question is: what is the right reform?

There are a number of flaws in the McCain-Feingold bill. The principal one is that the McCain-Feingold attempts, unconstitutionally, I believe, to gag political parties. What Senators MCCAIN and FEINGOLD forgot is that political parties are organizational instruments for promoting a political philosophy and ideas. To ban the ability of parties to get their messages out to the people is an infringement on free speech.

The proposal I am introducing today has two main goals: (1) to open up our campaign finances to the light of day, thus allowing citizens to make their own judgments about how much influence is too much; and (2) to expand opportunities for individuals to participate financially in elections, thus decreasing the reliance on special interest money in campaigns.

The legislation I am introducing today, the ''Citizens' Right to Know Act,'' would require all candidates and political committees to disclose every contribution they receive and every expenditure they make over $200 within 14 days on a publicly accessible website. This means people will not have to wade through FEC bureaucracy to get this information, and the information will be continuously updated.

People should be able to compare the source of contributions with votes cast by the candidate. They can decide for themselves which donations are rewards for faithfulness to a principle of representation of constituents and which contributions might be a quid pro quo for special favors.

Further, my proposal would encourage—not require—non-party organizations to disclose expenditures in a constitutionally acceptable manner the funds that they devote to political activity. Organizations that chose to file voluntary reports with the FEC would make individual donors to their PACs eligible for a tax deduction of up to $100.

This provision is designed to encourage voluntary disclosure of expenditures of organizational soft money.

Those organizations that did so would be shedding light on campaign finance not because they have to, but because it furthers the cause of an informed democracy.

An article in the Investor's Business Daily quoted John Ferejohn of Stanford University as writing that ''nothing strikes the student of public opinion and democracy more forcefully than the paucity of information most people possess about politics.''

The article goes on to suggest that ''But many reforms, far from helping, would cut the flow of political information to an already ill-informed public.'' Citing a study by Stephen Ansolabehere of MIT and Shanto Iyengar of UCLA, which demonstrates that political advertising ''enlightens voters,'' the IBD concludes that ''well-informed voters are the key to a well-functioning democracy.'' [Investor's Business Daily; 9/20/99]

Morton Kondracke editorializes in the July 30, 1999, Washington Times, ''Full disclosure would be valuable on its merits—letting voters know exactly who is paying for what in election campaigns. Right now, campaign money is going increasingly underground.''

This is precisely the issue my amendment addresses. My amendment, rather than prohibit the American people from having certain information produced by political parties, it would open up information about campaign finance. Knowledge is power. My proposal is predicted on giving the people more power.

Additionally, my legislation will raise the limits on individual participation in elections. Special interest PACs sprung up as a response to the limitations on individual participation in elections. The contribution limit for individuals is $1000 and it has not been adjusted since it was enacted in 1974.

Why are these limits problematic? The answer is that if a candidate can raise $5000 in one phone call to a PAC, why make 5 phone calls hoping to raise the same amount from individuals? My legislation proposes to make individuals at least as important as PACs.

My bill also raises the 25-year-old limits on donations to parties and PACs. It raises the current limits on what both individuals and PACs can give to political parties. As the League of Women Voters has correctly pointed out, the activities of political parties are already regulated, whereas the political activities of other organizations are not. If we are concerned about the influence of ''soft'' money—that is, money in campaigns that is not regulated and not disclosed—and cannot be regulated or subject to disclosure under our Constitution—then we ought to encourage—not punish—greater political participation through our party structures.

We need to put individuals back as equal players in the campaign finance arena. Special interests—both PACs and soft money—have become important in large part because current law limits are not only a quarter century old, but are also higher for special interests than individuals.

Some people have argued that raising the limits on donations to political candidates and parties exacerbates the problem. Their concern is that there is too much money in politics, not that there is too little.

I will respond by saying that, first, all individual donations would have to be disclosed. The philosophy of the ''Citizens' Right to Know Act'' is that people have a right to make their own determinations about whether a contribution is tainted or not.

Second, the higher contribution limits for hard money donations make individual citizens more important relative to special interests in campaign finance. If one goal of campaign finance reform is to reduce the influence of special interests, then raising the limits on individual contributions is a way to do it.

Third, most of the increases in the bill are merely an adjustment for 25 years of inflation. While the contribution limits have remained unchanged, the costs of running a campaign have increased. The higher levels reflect reality.

Most importantly, while money is an essential ingredient in a campaign, and is necessary to get one's message to the voters, the real influence in campaigns is the public. Even if wealthy John Smith gives thousands of dollars to a party or candidate, the fact is that he only gets one vote on election day. Candidates and parties have to persuade people to their way of thinking. All the money in the world cannot compensate for a dearth of principles or unpopular ideas.

The McCain-Feingold approach represents a constitutionally specious barrier on free speech. It would, by law, prohibit political parties from using soft money to communicate with voters. Prohibitions are restrictions on freedom.

My bill, in contrast, does not prohibit anything. It does not restrict the flow of information to citizens. On the contrary, my proposal recognizes that citizens are the ultimate arbiters in elections. They should have access to as much information as possible about the candidates and the positions they represent.

Thus far, the information that is available to voters about campaign finance has been difficult to obtain and untimely. My bill, by empowering voters with this information, will put the role of special interests where it rightfully belongs—in the eye of the beholder, not the federal government.

## ADDITIONAL COSPONSORS

S. 58

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 58, a bill to amend the Communications Act of 1934 to improve protections against telephone service ''slamming'' and provide protections against telephone billing ''cramming'', to provide the Federal Trade Commission jurisdiction over unfair and deceptive trade practices of telecommunications carriers, and for other purposes.

S. 484

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

At the request of Mr. CAMPBELL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 484, supra.

S. 655

At the request of Mr. LOTT, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1139

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1139, a bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Virginia (Mr. ROBB), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1263

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1263, a bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services.

S. 1269

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1269, a bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from Washington (Mrs. MURRAY) the Senator from Georgia (Mr. CLELAND), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1277, supra.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Florida (Mr. GRAHAM), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month.''

S. 1500

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1580

At the request of Mr. ROBERTS, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the names of the Senator from Missouri (Mr. BOND) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1652

At the request of Mr. CHAFEE, the names of the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. DASCHLE), the Senator from Nebraska (Mr. HAGEL), the Senator from Louisiana (Mr. BREAUX), the Senator from Colorado (Mr. ALLARD), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Mr. GRAMS), the Senator from Nevada (Mr. BRYAN), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1652, a bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 1652, supra.

S. 1673

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1673, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1674

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1674, a bill to promote small schools and smaller learning communities.

S. 1704

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1704, a bill to provide for college affordability and high standards.

S. 1723

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1723, a bill to establish a program to authorize the Secretary of the Interior to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

S. 1727

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1727, a bill to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes.

S. 1732

At the request of Mr. BREAUX, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1732, a bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan.

S. 1738

At the request of Mr. JOHNSON, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1738, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Iowa (Mr. GRASSLEY), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 199

At the request of Mr. REED, the names of the Senator from Indiana (Mr. BAYH) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of Senate Resolution 199, a resolution designating the week 24, 1999, through October 30, 1999, and the week of October 22, 2000, through October 28, 2000, as ''National Childhood Lead Poisoning Prevention Week.''

SENATE RESOLUTION 204

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of Senate Resolution 204, a resolution designating the week beginning November 21, 1999, and the week beginning on November 19, 2000, as ''National Family Week,'' and for other purposes.

## SENATE CONCURRENT RESOLUTION 61—EXPRESSING THE SENSE OF THE CONGRESS REGARDING A CONTINUED UNITED STATES SECURITY PRESENCE IN PANAMA AND A REVIEW OF THE CONTRACT BIDDING PROCESS FOR THE BALBOA AND CRISTOBAL PORT FACILITIES ON EACH END OF THE PANAMA CANAL

Mr. SESSIONS (for himself, Mr. LOTT, Mr. HELMS, Mr. INHOFE, Mr. ALLARD, Mr. KYL, Mr. THURMOND, and Mr. HUTCHINSON): submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 61

Whereas the 50-mile-long Panama Canal, connecting the Atlantic and Pacific Oceans, is a key strategic choke point in the Western Hemisphere, is vital to United States and international economies, and remains a strategic passage for naval vessels;

Whereas the 1977 Carter-Torrijos Treaty transfers ownership of the Panama Canal to the government of Panama and requires all United States military forces to leave by December 31, 1999;

Whereas under the companion Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal the United States

retains the right, and has a responsiblity, to protect and defend the Canal beyond the year 2000;

Whereas narcotics-funded terrorist forces in Colombia have spread their bases and logistical operations into southern Panama;

Whereas Panama does not have an army, navy, or air force, and the country's national police units lack adequate training, manpower, and equipment to deter heavily-armed hostile narcotics terrorist forces or to adequately defend the Canal against sabotage or terrorism from internal or external threats;

Whereas the Russian Mafia, Chinese Triad criminal organizations, Cuban government entities, and certain groups from the Middle East, all of whom have been hostile to the United States, are active in Panama, conducting weapons smuggling, money laundering, and massive counterfeiting and piracy of United States products and intellectual property;

Whereas systematic smuggling of illegal aliens from the People's Republic of China has been conducted with the involvement of high-level Panamanian officials;

Whereas the communist People's Republic of China is making major political, economic, and intelligence inroads in Panama, posing a long-term threat to American security interests;

Whereas the Hong Kong-based Hutchison Whampoa company, which has close ties to the People's Republic of China and has served as a conduit for funding and acquiring technology for the Chinese People's Liberation Army, has been granted a 25- to 50-year lease to control the only port facility on the Pacific end of the Panama Canal and another port facility on the Atlantic end; and

Whereas Hutchison Whampoa was awarded control of the Canal ports, despite better offers made by consortia that included United States companies, through a contract bidding process that was widely regarded as secretive, corrupt, and unfair: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is a sense of the Congress that—

(1) the United States Government should request that the new government of Panama, under the leadership of President Mireya Moscoso, investigate charges of corruption related to the granting of the Panama Canal port leases by the previous Balladares administration;

(2) based on any finding of corruption related to the granting of those leases, the United States Government should request that the new government of Panama nullify the lease agreements for the Balboa and the Cristobal port facilities on each end of the Panama Canal and initiate a new bidding process that is both transparent and fair; and

(3) the United States Government should negotiate security arrangements with the government of Panama that will protect the Canal and ensure the territorial integrity of the Republic of Panama.

## SENATE RESOLUTION 205—DESIGNATING THE WEEK OF EACH NOVEMBER IN WHICH THE HOLIDAY OF THANKSGIVING IS OBSERVED AS ''NATIONAL FAMILY WEEK''

Mr. GRASSLEY (for himself, Mr. KOHL, Mr. TORRICELLI, and Mr. LUGAR) submitted the following resolution; which wa referred to the Committee on the Judiciary:

S. RES. 205

Whereas the family is the basic strength of any free and orderly society;

Whereas it is appropriate to honor the family unit as essential to the continued well-being of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the week of each November in which the holiday of Thanksgiving is observed as ''National Family Week''; and

(2) requests that the President issue each year a proclamation—

(A) designating the week of each November in which the holiday of Thanksgiving is observed as ''National Family Week''; and

(B) calling on the people of the United States to observe ''National Family Week'' with appropriate ceremonies and activities.

● Mr. GRASSLEY. Mr. President, I come before you today to submit a resolution which would designate the week of each November in which the holiday of Thanksgiving is observed as ''National Family Week.'' Each Congress since 1976 has passed legislation which established Family Week on a bi-annual basis, and I have been a frequent cosponsor of it. In fact, last Congress, I was the sponsor of the legislation, and am pleased to be able to further contribute to this longstanding tradition of recognizing the importance of family.

This Congress, however, I would like to pay special tribute to the hard work of the man who founded the idea of Family Week, Mr. Sam Wiley. Ever since 1971, Mr. Wiley worked hard to see that Family Week was recognized on every Thanksgiving in every state, and by every president. Unfortunately, however, Mr. Wiley passed away in December after a long battle with cancer. Remarkably, even during this fight with the painful and deadly disease, Mr. Wiley was more concerned with making sure Family Week continue, as it was his constant vigilance that kept the idea and spirit of Family Week alive year after year.

A friend, Mr. Noel Duerden, has said that Mr. Wiley's greatest desire was to make sure that after he died Family Week would still live on. As a tribute to Mr. Wiley, my legislation will guarantee that Family Week continues by making it permanent. The resolution I am submitting today will ensure that every year the President will issue a proclamation dedicating the week of the Thanksgiving holiday as Family Week.

As we all know, the family is the most basic element of our society, and the tie that binds us to one another. It is the strength of any free and orderly society and it is appropriate to honor this unit as being essential to the well-being of the United States.

Since Family Week will be observed during the weeks on which Thanksgiving falls, we will be paying homage to what we as a nation already know—the strength of the family provides the support through which we as individuals and a nation thrive. Therefore it is particularly suitable to pause during this special week in recognition of the celebrations and activities of the family which bring us closer together.

I hope my colleagues will join me in this effort and ask that an article from the Indianapolis Star about Mr. Wiley and Family Week be placed in the RECORD.

The article follows:

FOUNDER WANTS TO MAKE SURE FAMILY WEEK CONTINUES

(By John Strauss)

He founded National Family Week, but on a day when so many families were together for the holiday, Sam Wiley found it hard to say much.

''I've seen better days,'' he said Friday from a bed at St. Vincent Hospice.

Wiley, 72, is in the terminal stages of pancreatic and liver cancer, but he is less concerned about his personal situation than making sure the National Family Week movement continues.

Ever since he started it in 1971, the week has been recognized each Thanksgiving by every president and in every state through proclamations, seminars and other activities designed to recognize the importance of strong families.

Wiley's movement has a Web page, www.familyweek.org. The former Whiteland High School administrator, teacher and basketball coach, who retired in 1988, has worked tirelessly to promote the week as a way to strengthen the regard and support for families.

Along the way, he made 25 trips to Washington. His room at the hospice has photos on the wall of Wiley with presidents Ronald Reagan and George Bush, and with former Vice President Dan Quayle as the proclamations for National Family Week were signed over the years.

Wiley never married, but he came to believe in the importance of families through his work with students, said Rush Isenhour, a childhood friend from their days in Boone County.

Isenhour was at Wiley's bedside on Friday, as her friend, who is heavily medicated for pain, drifted in and out of consciousness. Wiley's friends said he does not have long to live.

''He was a schoolteacher and he had so many children from underprivileged families,'' Isenhour said. ''He heard them talking about their family life, and that got him to thinking about it, and it got him started.''

Noel Duerden, a friend who helped Wiley over the years, said he and others are trying to find other groups to carry on the organizational work. One of the biggest tasks is writing and calling governors across the country to get them to issue proclamations which are only good for a year.

''Everybody's interested in National Family Week, but nobody's taking the lead except Sam at this point,'' Duerden said.

''His greatest desire before he dies is to make sure this continues,'' he said. ''Not just the proclamations, which are a heavy amount of work, but to promote it with the organizations and get right down to families.''

Duerden said he has been talking with the National Urban League, the American Legion, Girl Scouts and other groups to find support for continuing the annual observance.

Judy Lifferth is coordinator of National Family Week activities in Columbus, where ''Families of the Year'' are recognized for sticking together and supporting each other in the face of difficulties.

This year's program also included training in Active Parenting, a six-session video and discussion course that focuses on communication and other parenting skills.

''We live a fast-lane life, and National Family Week gives people a chance in the

middle of their busy lives and realize how important their families are,'' Lifferth said.

The Columbus mother of five has worked on National Family Week activities for 10 years but didn't realize until recently that the founder lived just up I–65 from her.

''I wish there was a way I could meet him,'' she said.

''I would like to tell him thank you from the bottom of my heart.''●

## AMENDMENTS SUBMITTED

## BIPARTISAN CAMPAIGN REFORM ACT OF 1999

## CLELAND AMENDMENTS NOS. 2308–2316

(Ordered to lie on the table)

Mr. CLELAND submitted nine amendments intended to be proposed by him to the bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

AMENDMENT NO. 2308

At the end of the bill, add the following:

**SEC. ___. REQUIRED CONTRIBUTOR CERTIFICATION.**

Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' the first place it appears; and

(B) by inserting '', and an affirmation that the individual is an individual who is not prohibited by sections 319 and 320 from making the contribution'' after ''employer''; and

(2) in subparagraph (B) by inserting ''and an affirmation that the person is a person that is not prohibited by sections 319 and 320 from making a contribution'' after ''such person''.

AMENDMENT NO. 2309

At the end of the bill, add the following:

**SEC. ___. RESTRUCTURING OF THE FEDERAL ELECTION COMMISSION.**

(a) IN GENERAL.—So much of section 306(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)) as precedes paragraph (2) is amended to read as follows:

''(a) COMPOSITION OF COMMISSION.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—There is established a commission to be known as the Federal Election Commission.

''(B) APPOINTMENT OF MEMBERS.—The Commission shall be composed of 7 members appointed by the President, by and with the advice and consent of the Senate, of which 1 member shall be appointed by the President from nominees recommended under subparagraph (C).

''(C) NOMINATIONS.—

''(i) IN GENERAL.—The Supreme Court shall recommend 10 nominees from which the President shall appoint a member of the Commission.

''(ii) QUALIFICATIONS.—The nominees recommended under clause (i) shall be individuals who have not, during the time period beginning on the date that is 5 years prior to the date of the nomination and ending on the date of the nomination—

''(I) held elective office as a member of the Democratic or Republican political party;

''(II) received any wages from the Democratic or Republican political party; or

''(III) provided substantial volunteer services or made any substantial contribution to the Democratic or Republican political party or to a public officeholder or candidate for public office who is associated with the Democratic or Republican political party.

''(D) LIMIT ON PARTY AFFILIATION.—Of the 6 members not appointed pursuant to subparagraph (C), no more than 3 members may be affiliated with the same political party.''.

(b) CHAIR OF COMMISSION.—Section 306(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)(5)) is amended by striking paragraph (5) and inserting the following:

''(5) CHAIR; VICE CHAIR.—

''(A) IN GENERAL.—A member appointed under paragraph (1)(C) shall serve as chair of the Commission and the Commission shall elect a vice chair from among the Commission's members.

''(B) AFFILIATION.—The chair and the vice chair shall not be affiliated with the same political party.

''(C) VACANCY.—The vice chair shall act as chair in the absence or disability of the chair or in the event of a vacancy of the chair.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The term of the seventh member of the Federal Election Commission appointed under section 306(a)(1)(C) of the Federal Election Campaign Act of 1971, as added by subsection (a) of this section, shall begin on May 1, 2000.

(2) CURRENT MEMBERS.—Any member of the Federal Election Commission serving a term on the date of enactment of this Act (or any successor of such term) shall continue to serve until the expiration of the term.

AMENDMENT NO. 2310

At the end of the bill, add the following:

**SEC. ___. FILING FEES.**

(a) SCHEDULE.—The Federal Election Commission shall establish by regulation a schedule of filing fees that apply to persons required to file a report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(b) REQUIREMENTS.—A filing fee schedule established under subsection (a) shall—

(1) be printed in the Federal Register not less than 30 days before a fiscal year begins;

(2) contain sufficient fees to meet the estimated operating costs of the Federal Election Commission for the next fiscal year; and

(3) provide a waiver of fees for persons required to file a report with the Federal Election Commission if such fee would be a substantial hardship to such person.

(c) APPROPRIATIONS.—Any fees collected pursuant to this section are hereby appropriated for use by the Federal Election Commission in carrying out its duties under the Federal Election Campaign Act of 1971 and shall remain available without fiscal year limitation.

(d) EFFECTIVE DATE.—This section shall apply to fiscal years beginning after the date that is 2 years after the date of enactment of this Act.

AMENDMENT NO. 2311

At the end of the bill, add the following:

**SEC. ___. INDEPENDENT LITIGATION AUTHORITY.**

Section 306(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)) is amended by striking paragraph (4) and inserting the following:

''(4) INDEPENDENT LITIGATING AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding paragraph (2) or any other provision of law, the Commission is authorized to appear on the Commission's behalf in any action related to the exercise of the Commission's statutory duties or powers in any court as either a party or as amicus curiae, either—

''(i) by attorneys employed in its office, or

''(ii) by counsel whom the Commission may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, and whose compensation shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.

''(B) SUPREME COURT.—The authority granted under subparagraph (A) includes the power to appeal from, and petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which the Commission appears under the authority provided in this section.''.

AMENDMENT NO. 2312

At the end of the bill, add the following:

**SEC. ___. LIMIT ON TIME TO ACCEPT CONTRIBUTIONS.**

(a) TIME TO ACCEPT CONTRIBUTIONS.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following:

''(i) TIME TO ACCEPT CONTRIBUTIONS.—

''(1) IN GENERAL.—A candidate for nomination to, or election to, the Senate or House of Representatives shall not accept a contribution from any person during an election cycle in connection with the candidate's campaign except during a contribution period.

''(2) CONTRIBUTION PERIOD.—In this subsection, the term 'contribution period' means, with respect to a candidate, the period of time that—

''(A) begins on the date that is the earlier of—

''(i) January 1 of the year in which an election for the seat that the candidate is seeking occurs; or

''(ii) 90 days before the date on which the candidate will qualify under State law to be placed on the ballot for the primary election for the seat that the candidate is seeking; and

''(B) ends on the date that is 5 days after the date of the general election for the seat that the candidate is seeking.

''(3) EXCEPTIONS.—

''(A) DEBTS INCURRED DURING ELECTION CYCLE.—A candidate may accept a contribution after the end of a contribution period to make an expenditure in connection with a debt or obligation incurred in connection with the election during the election cycle.

''(B) ACCEPTANCE OF CONTRIBUTIONS IN RESPONSE TO OPPONENT'S CARRYOVER FUNDS.—

''(i) IN GENERAL.—A candidate may accept an aggregate amount of contributions before the contribution period begins in an amount equal to 125 percent of the amount of carryover funds of an opponent in the same election.

''(ii) CARRYOVER FUNDS OF OPPONENT.—In clause (i), the term 'carryover funds of an opponent' means the aggregate amount of contributions that an opposing candidate and the candidate's authorized committees transfers from a previous election cycle to the current election cycle.''.

(b) DEFINITION OF ELECTION CYCLE.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent general election for the specific office or seat that a candidate is seeking and ending on the date of the next general election for that office or seat.''.

AMENDMENT NO. 2313

At the end of the bill, add the following:

**SEC. ___. MANDATORY ELECTRONIC FILING.**

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

''(11) ELECTRONIC FILING.—

''(A) IN GENERAL.—The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act, in addition to the current filing requirements—

''(i) is required to maintain and file each designation, statement, or report in electronic form accessible by computer if the person has, or expects to have, aggregate contributions or aggregate expenditures in excess of a threshold amount determined by the Commission; and

''(ii) may maintain and file a designation, statement, or report in electronic form accessible by computer if not required to do so under the regulation promulgated under clause (i).

''(B) VERIFICATION OF FILINGS.—

''(i) REGULATION.—The Commission shall promulgate a regulation to provide a method for verifying a designation, statement, report, or notification required to be filed under this paragraph (other than requiring a signature on the document being filed).

''(ii) TREATMENT OF VERIFICATION.—A document verified by the method promulgated under clause (i) shall be treated for all purposes in the same manner as a document verified by a signature.''.

AMENDMENT NO. 2314

At the end of the bill, add the following:

**SEC. ___. CIVIL ACTION.**

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended by adding at the end the following:

''(e) CIVIL ACTION.—

''(1) AUTHORITY TO BRING CIVIL ACTION.—If the Commission does not act to investigate or dismiss a complaint within 120 days after the complaint is filed, the person who filed the complaint may commence a civil action against the Commission in United States district court for injunctive relief.

''(2) ATTORNEY'S FEES.—The court may award the costs of the litigation (including reasonable attorney's fees) to a plaintiff who substantially prevails in the civil action.''.

AMENDMENT NO. 2315

At the end of the bill, add the following:

**SEC. ___. AUDITS.**

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1)'' before ''The Commission''; and

(2) by adding at the end the following:

''(2) RANDOM AUDITS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

''(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under paragraph (1) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

''(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.''.

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking ''6 months'' and inserting ''12 months''.

AMENDMENT NO. 2316

At the end of the bill, add the following:

**SEC. ___. REPORTING REQUIREMENTS.**

(a) FILING DATE FOR REPORTS.—Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended—

(1) in paragraph (2)(A)(i), by striking ''(or posted by registered or certified mail no later than the 15th day before)'';

(2) in paragraph (4)(A)(ii), by striking ''(or posted by registered or certified mail no later than the 15th day before)''; and

(3) by striking paragraph (5) and inserting ''(5) [Repealed.]''.

(b) CAMPAIGN-CYCLE REPORTING.—

(1) IN GENERAL.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) in paragraph (2), by inserting ''(or, in the case of an authorized committee, the reporting period and the election cycle)'' after ''calendar year'';

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting ''(or, in the case of an authorized committee, within the election cycle)'' after ''calendar year'';

(ii) in subparagraph (F), by inserting ''(or, in the case of an authorized committee, within the election cycle)'' after ''calendar year''; and

(iii) in subparagraph (G), by inserting ''(or, in the case of an authorized committee, within the election cycle)'' after ''calendar year'';

(C) in paragraph (4), by inserting ''(or, in the case of an authorized committee, the reporting period and the election cycle)'' after ''calendar year'';

(D) in paragraph (5)(A), by inserting ''(or, in the case of an authorized committee, within the election cycle)'' after ''calendar year''; and

(E) in paragraph (6)(A), by striking ''calendar year'' and inserting ''election cycle''.

(2) DEFINITION OF ELECTION CYCLE.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent general election for the specific office or seat that a candidate is seeking and ending on the date of the next general election for that office or seat.''.

(c) MONTHLY REPORTING BY MULTICANDIDATE POLITICAL COMMITTEES.—Section 304(a)(4)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(4)(B)) is amended by adding at the end the following: ''In the case of a multicandidate political committee that has received contributions aggregating $100,000 or more or made expenditures aggregating $100,000 or more, by January 1 of the calendar year, or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year, the committee shall file monthly reports under this subparagraph.''.

(d) FILING OF REPORT OF INDEPENDENT EXPENDITURES.—The second sentence of section 304(c)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)(2)) is amended by inserting ''and filed'' after ''shall be reported''.

(e) REPORTING OF CERTAIN EXPENDITURES.—Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by adding at the end the following:

''(12)(A)(i) A political committee, other than an authorized committee of a candidate, that has received contributions aggregating $100,000 or more or made expenditures aggregating $100,000 or more during the calendar year or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year, shall notify the Commission in writing of any contribution in an aggregate amount equal to $1,000 or more received by the committee after the 20th day, but more than 48 hours, before any election.

''(ii) Notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the political committee, the identification of the contributor, and the date of receipt of the contribution.

''(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.''.

## DISTRICT OF COLUMBIA COLLEGE ACCESS ACT

### THOMPSON (AND OTHERS) AMENDMENT NO. 2317

Mr. SPECTER (for Mr. THOMPSON (for himself, Mr. VOINOVICH, Mrs. HUTCHISON, Mr. DURBIN, and Mr. WARNER)) proposed an amendment to the bill (H.R. 974) to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes; as follows:

On page 13, between lines 16 and 17, insert the following:

(3) FURTHER ADJUSTMENTS.—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

On page 15, line 22, strike ''1999'' and insert ''1998''.

On page 23, between lines 10 and 11, insert the following:

(3) FURTHER ADJUSTMENTS.—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

On page 23, line 14, strike ''(A)'' and insert ''(A)(i)''.

On page 23, line 19, strike ''(i)'' and insert ''(I)''.

On page 23, line 20, strike ''(ii)'' and insert ''(II)''.

On page 24, line 1, strike ''(iii)'' and insert ''(III)''.

On page 24, line 5, strike ''(B)'' and insert ''(ii)''.

On page 24, line 9, strike ''(C)'' and insert ''(iii)''.

On page 24, line 15, strike the period and insert ''; or''.

On page 24, between lines 15 and 16, insert the following:

(B) is a private historically Black college or university (for purposes of this subparagraph such term shall have the meaning given the term ''part B institution'' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) the main campus of which is located in the State of Maryland or the Commonwealth of Virginia.

## DESIGNATING NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

### REED AMENDMENT NO. 2318

Mr. SPECTER (for Mr. REED) proposed an amendment to the resolution (S. Res. 199) designating the week of

October 24, 1999, through October 30, 1999, and the week of October 22, 2000, through October 28, 2000, as ''National Childhood Lead Poisoning Prevention Week''; as follows:

On page 2 line 8, strike ''day'' and insert ''week''.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, October 19, 1999, in open session, to receive testimony on future naval operations at the Atlantic Fleet Weapons Training Facility.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 19, for purposes of conducting a joint committee hearing with the Committee on Governmental Affairs, which is scheduled to begin at 2:00 p.m. The purpose of this oversight hearing is to receive testimony on the Department of Energy's implementation of provisions of the Department of Defense Authorization Act which create the National Nuclear Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting Tuesday, October 19, immediately following the first vote, S–216, The Capitol, to consider the nominations of (1) Skila Harris, nominated by the President to be a Member of the Tennessee Valley Authority; (2) Glenn L. McCullough, Jr., nominated by the President to be a Member of the Tennessee Valley Authority; and (3) Gerald V. Poje, nominated by the President to be a Member of the Chemical Safety and Hazard Investigation Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the senate on Tuesday, October 19, 1999 at 2:30 PM to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Tuesday, October 19, at 10:30 a.m. for a hearing regarding H.R. 391 and S. 1378, the Small Business Paperwork Reduction Act Amendments of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a markup on Tuesday, October 19, 1999 beginning at 10:00 a.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on October 19, 1999 at 10:00 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct a hearing Tuesday, October 19, 10:00 a.m., Hearing Room (SD–406), to examine the benefits and policy concerns related to Habitat Conservation Plans.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, October 19, for purposes of conducting a Subcommittee on Forests and Public Land Management hearing which is scheduled to begin at 10:00 a.m. The purpose of this hearing is to receive testimony on S. 1608, a bill to provide annual payments to the States and counties from National Forest System land management by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide a new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON LONG-TERM GROWTH AND DEBT REDUCTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance, Subcommittee on Long-Term Growth and Debt Reduction be permitted to meet on Tuesday, October 19, 1999 at 9:30 a.m. to hear testimony on Federal Income Tax Issues Relating to Restructuring of the Electric Power Industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### THE DISTRICT OF COLUMBIA COLLEGE ACCESS ACT

● Mr. WARNER. Mr. President, I am pleased to join in supporting this legislation and, also, as a cosponsor of the amendment offered by Chairman THOMPSON and Senator VOINOVICH.

This important legislation will provide high school students from the District of Columbia significant financial relief to assist them in attending a public or private university in Virginia or Maryland.

I am grateful to Chairman THOMPSON, Ranking Member LIEBERMAN and particularly Subcommittee Chairman VOINOVICH for taking on this effort and moving swiftly to bring this bill before the full Senate.

I have had a particular interest in expanding the educational opportunities available to District students by ensuring that they are eligible to receive the reduced tuition rate or grants to attend any of the exceptional Historically Black Colleges and Universities in Virginia or Maryland. Many students from the District of Columbia currently attend an Historically Black College or University in Virginia or Maryland and there is a great tradition among these schools and District students.

In Virginia, we are privileged to have five exceptional Historically Black Colleges and Universities—Hampton University, Virginia State University, Virginia Union University, Norfolk State University and St. Paul's College. I am pleased that the amendment offered today with this legislation incorporates a provision I requested to make each of these institutions eligible under this legislation. With the passage of this amendment to the bill, students from the District of Columbia will now be able to receive either in-state tuition rates or grants to attend any public institution or Historically Black College or University in Virginia.

Mr. President, I applaud the efforts of my colleagues, Senator VOINOVICH and Chairman THOMPSON, and appreciate their attention to the matters involving Historically Black Colleges.●

### CHESHIRE LIONS CLUB

● Mr. LIEBERMAN. Mr. President, I rise today to honor the Cheshire Lions Club of Cheshire, CT which is celebrating its 50th anniversary of service to the community.

With the support of area residents, the Cheshire Lions Club has reached out to assist many members of the community. The Lions Club has developed a national reputation for advancing such worthwhile local causes as the D.A.R.E. Program for schools, academic scholarships for local students, and area food banks, and the Cheshire club has been an important part of that legacy. Over the years, members of the Cheshire Lions Club have actively involved themselves in countless civic activities and made a real difference in Connecticut. Their hard work has reached far beyond the Town of Cheshire and the Lions Club stands tall as an example of the principles upon which our nation was built.

As the Cheshire Lions Club has grown, its numerous good works have touched many lives and demonstrated the true value of community spirit. I ask that my colleagues join me in thanking the club and all its members for their service, dedication, and contributions to our state.●

## THE 25TH ANNIVERSARY OF ''WOMEN HELPING BATTERED WOMEN''

● Mr. JEFFORDS. Mr. President, it gives me great pleasure to stand before the Senate today and speak of an organization that has, for the past 25 years, been committed to ending violence toward women and children. The organization is called Women Helping Battered Women (WHBW) and their goal is simple: create a living environment for women and children that is free from fear of battering—sexual, physical, emotional or financial. On the occasion of their 25th anniversary, WHBW, through their direct service, their advocacy and their educational and outreach programs stands as an example for us all and, unfortunately, are as crucial today as they were 25 years ago.

We must not shy away from the impacts of domestic violence. In the United States, a woman is battered by a partner every seven seconds and thirty percent of Americans know a woman who has been physically abused by their husband or boyfriend in the last year. In my home state of Vermont, I shudder when I hear that domestic violence touches over 16,000 Vermonters each year. In Chittenden County alone, an overwhelming 59% of all reported crimes since January 1998 have been domestic-related disturbances. We often perceive Vermont as one of the safest states in the nation, however, the incidence of domestic violence in Vermont continues to rise.

As a result of WHBW's work, over 3,500 Vermonters' lives were positively touched during difficult and dangerous times in their lives. I'd like to highlight their PARADIGM project, a joint educational partnership with the Woman's Rape Crisis Center. The PARADIGM project serves to educate students, churches and professional and community groups, in the hope of breaking the cycle of violence in the home and in our communities.

Mr. President, you may see me and others wearing a purple ribbon, to symbolize our commitment to ending violence against women and children in our state, and across the nation. Yet it is the day to day work of Women Helping Battered Women—it is their strength and advocacy—that continues to make a difference and helps Congress focus on this issue. Congress made a commitment to the women behind the statistics when we passed the bipartisan Violence Against Women Act (VAWA). I will continue to work to fulfill this pledge to millions of women and families who have suffered, by fully funding this important Act which supports shelters, counseling, training, and law enforcement. In fact, my work helped to double the fiscal year 1997 allocations for community level demonstration projects and to increase the domestic violence hotline funds. Congress also included funding targeted exclusively to combat domestic violence in rural areas—especially important in my home state of Vermont. We must continue the work we began with the passage of VAWA and pass a reauthorization of these vital programs. I am proud to be a cosponsor of S. 51, the Violence Against Women Act II. I pledge to work with my colleagues to get this needed legislation passed in the near future.

I applaud WHBW's leadership and the creative initiatives they have undertaken to build and maintain a multicultural organization which empowers staff, volunteers, and the women and families they serve. I commend Woman Helping Battered Women for their crucial work in breaking the silence for victims, supporting women and children in meeting their most basic needs in times of great difficulty, educating our communities, and working to heighten public awareness of this growing epidemic.

Mr. President, thank you for the opportunity to provide my colleagues with a shining example of a group of dedicated individuals actively engaged in the war against domestic violence. I join other Vermonters in offering my heartfelt congratulations and gratitude to Women Helping Battered Women for their many years of good work.●

## COMMEMORATING THE AGREEMENT FOR THE ESTABLISHMENT OF SISTER RELATIONS BETWEEN THE STATE OF MONTANA, UNITED STATES OF AMERICA AND GUANGXI ZHUANG AUTONOMOUS REGION, PEOPLE'S REPUBLIC OF CHINA

● Mr. BAUCUS. Mr. President, I rise today to commemorate the establishment of the sister-state relationship between my home state of Montana and Guangxi Zhuang Autonomous Region of the People's Republic of China.

The establishment of this sisterhood marks a successful conclusion to many years of building mutual cooperation, trust and friendship, as well as a bright beginning of a continued strong relationship between our countries.

I would like to commend Governor Marc Racicot of the State of Montana for his continued efforts to bring new opportunities to the state through education, business relations and cultural exchanges. I would also like to thank the People's Republic of China and Governor Li Zhaozhuo for linking Guangxi Province to Montana. The richness of culture, citizens, history, and boundless environmental beauty make our state and your province a perfect match.

Montana and Guangxi have worked a long time in building this relationship. In fact, a high level delegation from Guangxi Province joined the first Mansfield Pacific Retreat on ''Trade and Agriculture,'' held in Bigfork, Montana, in May 1996.

The idea of establishing friendly exchange relationships between American states and cities and Chinese provinces and cities goes back to the late 1970s when China, as a country, began to ''open up to the outside.'' These sister relationships have proved to be very helpful in establishing cultural and grassroots relations. A good example is the product relationship between the city of Seattle and Chongqing in Sichuan Province.

The establishment of Montana's sister ties with Guangxi Province in South China fits within this tradition of promoting people to people communication. Such a relationship is especially relevant to Montana because of the life, work, and legacy of Mike Mansfield. He is Montana's ''favorite son'' who has also made a name known for himself in China. His promotion of sister relationships with Asia began during his tenure as American Ambassador to Japan. He proposed and helped to establish Montana's sister relationship with Kumamoto Prefecture. He also established the University of Montana's sister relations with Toyo University in Tokyo and Kumamoto University in Kumamoto City.

Although Senator Mansfield is better known for his promotion of mutual understanding with Japan, his impact on American Chinese relations is also significant. His interest in East Asia began when he served in the U.S. Marines soon after World War I and visited the American Garrison then in the city of Tianjin.

Senator Mansfield continued his work in the Far East as a Congressman from Montana. He visited China at the request of President Roosevelt to report back with advice on American policy following the defeat of Japan in the Pacific War. He is also credited with opening relations with China in the early 1970s and he was the first American Senator to visit China, soon after President Nixon's historic visit in 1972. The current ties between Montana and Guangxi are a fitting expression of the value of people to people communication between America and China. They

are also a fitting tribute to the legacy of Senator Mansfield.

Finally, I was pleased to have the opportunity to visit Guangxi's beautiful city of Guilin last summer during President Clinton's visit to China. I was impressed by the great efforts the Guangxi's citizens have taken to ensure that their children and generations to come will continue to enjoy the natural wonders and beauty of their province. We in Montana also take such pride in our state's natural treasures—our mountains, our lakes and our wildlife.

I am very proud of the establishment of Montana and Guangxi's sisterhood. This is just the beginning. As we enter the new Millennium, let us strive to build and strengthen our sisterhood relationship as a model for cooperation and understanding.●

## TRIBUTE TO ATTORNEY AT LAW JIMMY E. ALEXANDER

● Mr. SHELBY. Mr. President, I rise today to pay tribute to Jimmy E. Alexander, a prominent and respected lawyer from Athens, Limestone County, in northern Alabama. Mr. Alexander passed away last month after a long and distinguished career in law practice. His deep passion for his work took him on a journey from the smallest courtrooms in Alabama, to the great and hallowed halls of the U.S. Supreme Court. His dedication and heartfelt concern for the ''little guy'' was an inspiration. Jimmy will be missed by the many people whose lives he touched and affected.

Jimmy was born in Bear Creek, in Marion County, in 1939. After graduation from Russellville High School in 1957, Jimmy went on to continue his education at the University of Alabama, receiving his undergraduate degree in 1960, and his law degree in 1963. Jimmy's innate industriousness and work ethic were tailor-made for his chosen profession. Jimmy quickly developed a reputation as an outstanding criminal defense attorney and successful domestic relations lawyer. Joining the firm of Malone, Malone and Steel directly out of law school, he soon was made partner and ultimately became senior partner of the firm Alexander, Corder, Plunk, Baker, Shelly, and Shipman P.C., in Athens, AL. Jimmy was the city attorney for Athens and Ardmore for 17 years. He served on the city Board of Education for 5 years and was the Alabama Bar Association Commissioner for the 39th judicial circuit for 4 years.

It was through these professional forums that Jimmy was able to thrive in his work and gain a statewide reputation as a standout trial attorney. In private practice for 36 years, Jimmy has counseled businesses, commercial clients, and recently, had taken a strong interest in championing the cause of the ''little guy.'' Particularly for the last 15 years, he focused on representing the poor, under represented, physically injured, and financially cheated, many of whom had no where else to turn than Jimmy Alexander. Jimmy developed a particular fondness for taking on big business, insurance companies, and large industry. He represented many high profile cases, and in 1989, won the largest monetary judgment at the time in Limestone County and in another case, setting a precedent for the largest monetary judgement in the entire State of Alabama. His gifted ability even took him before the U.S. Supreme Court, where he argued a case against an insurance company.

Jimmy Alexander will be remembered as a dedicated attorney, who brought human compassion to his work. Many of his colleagues have expressed their respect and admiration for his approach to both his work and his life, and I join them in their prayers for him and his family. My thoughts and wishes extend to his wife Rose, and two children, Tonya and Eric, during this difficult time. Mr. President, I yield the floor.●

## CENTRAL CONNECTICUT STATE UNIVERSITY

● Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to Central Connecticut State University as it celebrates its 150th anniversary. Under the dynamic leadership of President Richard Judd, this fine institution has continued to achieve the vision of academic excellence upon which it was founded.

Originally the New Britain Normal School, CCSU was established by the State General Assembly in 1849 and stands as the oldest public institution of higher education in Connecticut. Whether under the name Normal School, Teachers College of Connecticut, or Central Connecticut State University, its students have never received less than a first-rate education. CCSU has cultivated a rich academic environment in which both graduates and undergraduates have the opportunity to better understand themselves as well as the world around them.

Academically, athletically, and culturally, CCSU and its more than 11,000 students have much to celebrate throughout this special year. What makes CCSU so unique is that it has never isolated itself from the surrounding community. Instead, the university embraces its position within the larger civic arena and, in doing so, offers its students the valuable opportunity to make a real difference in the city of New Britain and beyond. CCSU students, faculty, and facilities have played a significant role in the city's development and will continue to weave themselves into the city's social fabric for many years to come.

Mr. President, I ask that my colleagues join me in celebrating the sesquicentennial anniversary of Central Connecticut State University, one of the Nation's great academic institutions.●

## ON THE DEDICATION OF THE LAKE CHAMPLAIN/SAINT ALBANS HISTORICAL DIORAMA

● Mr. JEFFORDS. Mr. President, I rise today to recognize the completion of the Lake Champlain/Saint Albans Historical Diorama.

This interactive educational exhibit at the Saint Albans Historical Museum is ambitious in its geographic and historic scope. It spans the entire Champlain Valley, from Fort Ticonderoga to the Richelieu River and also spans time, from pre-history to the present.

The people of Saint Albans have a tremendous understanding and respect for their history, as seen by the fact that this exhibit was funded entirely through local contributions and completed in just over a year, with most of the work done by residents of Saint Albans and neighboring towns. It is a beautiful addition to one of Vermont's finest historical museums.

The Champlain Valley is the birthplace of the United States and Canada. For two hundred years the Champlain Valley was the stage for conflicts between the French and the English, and then for the most critical campaign of the Revolutionary War. In times of peace, the Champlain Valley has been an important corridor of commerce. Important sites from this history are displayed and interpreted in the Diorama, including wonderful scale models of the region's lighthouses.

The Diorama also depicts the local history of Saint Albans, displaying her historic structures, rail yards and neighborhoods in great detail. These events and places are brought to life in three dimensions, engaging and educating the viewer as is possible with no other medium.

Mr. President, it is with great pleasure that I recognize the Saint Albans Historical Society and all of the others who have helped to create the diorama. This is a significant contribution to the heritage of Vermont.●

## HONORING ST. PAUL BAPTIST CHURCH

● Mr. TORRICELLI. Mr. President, I rise today in recognition of the St. Paul Baptist Church on the occasion of its centennial celebration. Over the past year, the church has been celebrating its more than one hundred years of service. I am honored to have the opportunity to join with them in their celebration of this tremendous milestone. For over one hundred years, the St. Paul Baptist Church has provided the African-American community with a strong sense of unity as the only black Baptist church in Atlantic Highlands, New Jersey.

The church has experienced tremendous growth since it was founded by the Reverend M.R. Rosco in 1899. Today, it can boast not only of being a house of faith and worship, but also of its daily contributions to the community of Atlantic Highlands through its

Educational Center and the Vassie L. Peek, Sr. Educational Annex.

I would also like to acknowledge the contributions of St. Paul's pastor, the Reverend Doctor Henry P. Davis, Jr., to New Jersey's Baptist community. Over the years, Reverend Davis has been a shining example of devotion to his church. In addition to his commitment to his parish, the Reverend has served as Treasurer of the General Baptist State Convention of New Jersey, Moderator of the Seacoast Missionary Baptists Association of New Jersey, an Executive Board member of the New Jersey Council of Churches, and Secretary of the Moderator's Auxiliary of the National Baptist Convention, USA.

Once again, I would like to extend my congratulations and warmest wishes to Reverend Davis and his congregation on the occasion of the centennial celebration of St. Paul Baptist Church. The church's contributions to the residents of Atlantic Highlands is unmatched. I can only hope that the next one hundred years will be as rewarding as the first.●

## TRIBUTE TO WILLIE AND VERONICA ARTIS

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to Willie and Veronica Artis of Flint, Michigan. On October 19, 1999, they will be honored by Mott Community College for their many contributions to the greater Flint community.

In 1979, Willie Artis co-founded Genesee Packaging, Inc., a maker of corrugated packaging with a focus on the automotive industry. Mr. Artis and Mr. Buel Jones began this company by utilizing the opportunities that were available to them through General Motors' minority business development programs. Using their extensive background in automotive contract packaging and corrugated manufacturing, Mr. Artis and Mr. Jones were able to penetrate the existing automotive market and build a relationship with a General Motors buyer.

Upon co-founder Buel Jones' retirement, Willie Artis took control of the day-to-day operations of the company and implemented a restructuring of the organization. Presently, Genesee Packaging employs a total of 230 people in three different plants and has just completed thirty-three consecutive months of profitability.

Willie Artis has over twenty-eight years of experience in sales, corrugated manufacturing and automotive contract packaging. He obtained his education at Wilson College in Chicago, Illinois, and continued his education through executive seminars for business owners at Dartmouth College. He is currently President and Chief Executive Officer of Genesee Packaging, Inc. in Flint, Michigan.

Willie Artis' wife, Veronica Artis, is also an instrumental force at Genesee Packaging, Inc. Veronica obtained her higher education at the University of Wisconsin, Dartmouth College, Wharton School of Business, and Harvard University. Before joining Genesee Packaging, Inc, Veronica held various positions at Wisconsin Bell and Ameritech. Veronica joined Genesee Packaging, Inc. in 1989 as the Vice President of Administration and she is a member of the Executive Staff.

The event at Mott Community College on October 19, 1999, is a salute to Mr. and Mrs. Artis' success, their commitment to the greater Flint community, and their contributions as fine corporate citizens. A scholarship will be established in their names that will be held at the Foundation for Mott Community College.

I join Mott Community College and the entire Flint community in this celebration of two distinguished citizens, Willie and Veronica Artis.●

## REMARKS BY PRESIDENT MERI OF ESTONIA

● Mr. BIDEN. Mr. President, on October 13, the Broadcasting Board of Governors—which supervises all U.S. Government-sponsored international broadcasting—held a ceremony celebrating its new status as an independent agency.

Among the speakers was the President of Estonia, Lennart Meri, who delivered a very thoughtful and eloquent speech on the importance of international broadcasting to the mission of promoting democracy and freedom around the world.

I commend it to all of my colleagues. I ask to have printed in the RECORD, the text of President Meri's speech.

The speech follows:

### THE UNFINISHED TASKS OF INTERNATIONAL BROADCASTING

(By Lennart Meri, President of the Republic of Estonia, Washington, D.C., 13 October 1999)

No one talking in this city about the importance of the media could fail to recall Thomas Jefferson's observation that if he were forced to choose between a free press and a free parliament, he would always choose the former because with a free press and a free parliament, he would end with a free parliament, but with a free parliament, he could not be sure if he would end with a free press.

I certainly won't become the exception to that practice. But if these words of your third president and the author of the American Declaration of Independence continue to resonate around the world, one of his other observations about the press may be more relevant for our thinking about the current and future tasks of international broadcasting. Responding in June 1807 to a Virginia resident who was thinking about starting a newspaper, Jefferson argued that "to be most useful," a newspaper should contain "true facts and sound principles only."

Unfortunately, he told his correspondent, "I fear such a paper would find few subscribers" because "it is a melancholy truth that a suppression of the press could not more completely deprive the nation of its benefits than is done by its abandoned prostitution to falsehood." And one of the greatest advocates of the power of the media to support democracy concluded sadly, "nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle."

Jefferson's optimistic comment about the role of a free press came as he was helping to make the revolution that transformed the world; his more critical ones came after his own, often less than happy years as president of the United States. Given my own experiences over the past half century, I can fully understand his shift in perspective and can thus testify that were Thomas Jefferson to be with us today, he would be among the most committed advocates of international broadcasting precisely because of his experiences in the earlier years of the American republic.

For most of my adult life, I lived in an occupied country, one where the communist regime suppressed virtually all possibilities for free expression in public forums. As a result, we turned to international broadcasting like Radio Free Europe, Radio Liberty, the Voice of America, and the BBC to try to find out what was going on.

Let me go back in memory for a moment. Estonia was already under Soviet occupation when the "Battle of Britain"—solitary England's solitary battle against the totalitarian world—began. This is how I saw it, at the age of twelve, before our family was deported to Siberia. Nazi Germany bombastically boasted of its victories, London spoke of losses. And yet each broadcast from London, day after day, ended with the English newscaster's dry announcement: "Das waren die Nachrichten am 5. Juni, am hundert sechs und fünfzigsten Tage des Jahres, wo Hitler versprach, den Krieg zu gewinnen."—"These were the news of June 15, 156th day of the year when Hitler promised to win the war". There was no irony in these words. Rather, there was the pedantic knowledge of a pharmacist—how many drops of truth morning, day and night were necessary to keep the ability of doubt alive. The end of World War II found me in exile, buried deep into the heart of Russia, a couple of hundred kilometers from the nearest railway station. You had your Victory Day celebrations, and so had I. I bought a crystal of selenium to build a radio receiver. During the time of war, all radio equipment had been confiscated in Russia. Now, suddenly, I was holding in my hands a thumb's length of a glass tube containing a crystal and a short wire—my pass to freedom. The third receiver, built already in Estonia, finally worked, and I have been with you ever since. I doubt whether it is in my powers to give you a convincing picture of our spiritual confinement. Imagine being blind, unable to see colours, to perceive light or shadows; being surrounded by the void space without a single point of reference, without gravity that would feel like motherly love in this spiritual vacuum. And then, for a quarter of an hour, or half an hour, or even—a royal luxury—for a whole hour—the void would suddenly be filled with colours, fragrances, voices, the warmth of the sun and the fresh hope of spring. How many of you remember the Moscow Conference of 1946, to which so many Estonians for some unknown reason looked forward with hope? I remember Mr. Peter Peterson from the BBC covering the conference, I remember, the intonation of Winston Churchill, when he said of the winners of this very "Battle of Britain": "That was their finest hour". I remember the lectures of astronomer Fred Hoyle, to which I listened taking notes from week to week. Under Soviet rule, his discovery was banned as "idealistic".

Some years ago, when I received Javier Solana, the Secretary-General of NATO, in Tallinn, I compared the inevitability of the expansion of the island of democracy and

NATO security structures with Fred Hoyle's expanding universe, and noticed when I was still speaking that Mr. Salona was deeply and personally moved by my speech. ''You could not have known,'' he said afterwards, ''that Fred Hoyle was during my university studies my research subject.'' This is how the radiation from an antenna materialises into attitudes, actions, and landscapes. Allow me two more comments. It is my duty to thank from this chair your predecessors for the decision to start broadcasts in Estonian on Radio Liberty, and even more for the decision to transfer the broadcasts in Estonian to the responsibility area of Radio Free Europe—in full concord with the non-recognition policy of the United States. I do not know how this decision was taken. During the Korean War, I heard from the Russian broadcasts, that the next day, the first Estonian broadcast would be on the air at 1800 hours. I was still a student and lived in Tartu, in a dormitory, which housed more than 500 students. I mentioned the forthcoming Estonian broadcast to one single friend. Stalin's terror was rampant in Estonia. For the time when the broadcast begun, my room was full of people, and more were coming. I will never forget that day, those solemn thirty minutes, and least of all the atmosphere in my room. Those people were the friends of my friend's friends. I knew a few, most were strangers to me. Every listener stood apart, in different directions, motionless, no glance met another, no word was spoken, we parted in silence. Such gatherings were punished with twenty-five years of hard labour. Not a single one of these twenty or thirty people got into trouble, which bespeaks of a high morale.

And my last point. I have myself worked at the radio, and know and knew the most distressing doubt—or ignorance, to be more accurate—whether your message did find your listeners. The broadcaster's work is like a dialogue with the stars: he can hear his own voice, but never gets any answer. The listener's temptation to respond is overwhelming. In spring 1976 Radio Free Europe informed that the Estonian polar explorer. August Massik had died in Canada. I picked up the phone and dictated a message for the writers' newspaper, and it appeared two days later, on June 18. In the circumstances of totalitarian seclusion, this was quite an accomplishment, which, I hoped, would morally support Radio Free Europe's Estonian staff. I must confess, I also wrote to your countryman Alistair Cooke the following lines, and I am quoting: ''Your word has always penetrated the Iron Curtain. Every week you have been a member of our family. I don't remember if you have ever spoken about Estonia, but you have always spoken as a European about the democratic world, which is the same''. I was deeply moved to get Alistair Cooke's reply, which I would very much like to read to this audience: ''It will be plain to you'', Alistair Cooke wrote, ''why I particularly cherish letters from people who listened, sometimes at their peril, from behind the Iron Curtain. Of all such, your letter is at once the most touching and the most gratifying. I am deeply grateful to you and wish you all good things as you approach what (to me) is early middle age! Most sincerely, etc. Alistar Cooke''. That was the role you have played, and I doubt whether you yourself are aware of how much an antenna can outweight the world's biggest army.

Frequently, these sources provided the only reliable news we could get about what was going on not only in the outside world but also in our own country. These broadcasts were our universities: They provided us with the materials we needed to understand our world and ultimately to build a movement capable of reclaiming our rightful place in world.

Indeed, one of the key moments in the recovery of the independence of my country is directly tied to international broadcasting. On January 13, 1991, Russian leader Brois Yeltsin flew to Tallinn in the aftermath of the Soviet killings in Lithuania. While there, he not only signed agreements acknowledging the right of the Baltic states to seek independence from the Soviet Union but he issued a statement calling on Russian officers and men not to obey illegal Soviet orders to fire on freely elected governments or unarmed civilians.

Through a series of FM and telephone connections from Tallinn via Helsinki to Stockholm to Munich, Yeltin's words reached REF/RL's Estonian Service and then were broadcast throughout the Soviet Union on all of that station's language services. I am convinced that that broadcasting by itself prevented Moscow from taking even more radical steps against our national movement and thus set the stage for the recovery of our independence as well as for the dissolution of the Evil Empire as a whole.

Just one indication of how important that action was to us is the fact that the head of RFL/FL's Estonian Service at that time, Toomas Hendrik Ilves, is now Estonian foreign minister.

I can't stress too highly what these broadcasts meant to me and to my fellow Estonians in another sense as well. During the long years of occupation, these broadcasts in our own languages demonstrated that the world, and that there was no basis for pessimism about our future. And these broadcasts, especially those which were about our country, reminded not only us but the Soviet Authorities that they would never be able to prevent us from regaining our freedom.

When we finally did so in 1991, I like many other Estonians and, I suspect, like many of you, looked to the future with enormous self-confidence. and also like many of you, I was sure that the chief contribution of international broadcasting to my country lay in the past. Indeed, it was in that spirit that I nominated Radio Free Europe/Radio Liberty for the Novel Peace Prize, an honor I still believe it should ultimately receive.

Surely, we thought, with communism overthrown and with our own independence reaffirmed, we could quickly establish our own free press, one that would provide our citizens with the information they would need not only to recover from the past but to allow us to re-enter Europe and the West.

But the experience of the past eight years has shown that such optimism was misplaced. First of all, the privatisation of the media did not make it free. Because of economic difficulties, privatisation both reduced the number of media outlets, thus paradoxically stifling freedom, and encouraged those remaining to seek readers and listeners by appealing to the lowest common denominator among our citizens. Instead of elevating the understanding of their audiences, all too many of our media outlets played to the worst in them, filling their pages or their broadcasts with sex, violence, and charges of corruption.

That is why I have complained so often that the path from a controlled press to a free press all too often lies through the worst kind of yellow press.

There is a second reason why our optimism about our own domestic media was misplaced; the experiences and values of the editors and journalists who now work in the domestic media. Not surprisingly, almost all of them are products of the Soviet system. Their understanding of what the media is for and what they do is thus very different from that of journalists who have grown up in a free media environment. They see media outlets as a form of propaganda, something the new owners frequently even encourage, and they see individual news stories as a chance to push their own agendas rather than to report accurately on what is going on.

And there is yet a third reason why we expected too much too soon in this area after the collapse of communism. A free press needs a free audience be it readers or listeners, and such an audience is not something that has been created overnight in any country.

It did not happen overnight even in the United States which never faced the same kind of tyranny that we did. Indeed, Jefferson complained about this as well when he said that for the citizens of his day, ''defamation is becoming a necessity of life; in so much that a dish of tea in the morning or evening cannot be digested without this stimulant.''

But the impact of the Soviet system in my country was far deeper and more insidious than that and far deeper and more insidious than many people either in Estonia or in the West want to acknowledge. It involved more than the mass executions and deportations, more than the destruction of much of the landscape, and more than 50 years of the stifling of our lives. It involved in the very first and most important sense the deformation of our minds and souls, a deformation that means that even today many of us cannot confront reality except through the filters provided by that past. Estonian is not an easy language to learn, but any of you who can listen to Estonian broadcasts or who read Estonian newspapers or journals will immediately feel what you are listening to or reading is something very different from the media you are used to in this long-established democracy. And if you listen or read while you visit my country—and I invite all of you to do so—you will be shocked by the difference between what you hear and see in the media and what you hear and see all around you.

Jefferson again understood this problem when he wrote: ''The real extent of this misinformation is known only to those who are in situations to confront facts within their knowledge with the lies of the day.'' And he added that ''I really look with commiseration over the great body of my fellow citizens, who, reading newspapers, live and die in the belief, that they have known something of what has been passing in the world in their time.''

I share that feeling almost every time I pick up an Estonian paper or listen to a broadcast by a domestic Estonian outlet.

Now, lest you accuse me of being overly pessimistic, let me hasten to add that there are notable exceptions among owners, among journalists and especially among readers and listeners. There are owners of media outlets in my country who do believe in the principles of a genuinely free press. There are journalists who understand that news is not the same as propaganda and that checking facts is important. And there are many readers and listeners who know what genuine news is and increasingly expect to get that and not the poor substitute they are often given.

One of the reasons that I have some optimism about the future of the free media is that our very oldest citizens remember the media from before the Soviet occupation and our very youngest are growing up without the constraints of the communist system. These two groups have been responsible for most of the positive changes in our country since 1991 not only in the media but in all fields of endeavor. Indeed, I think it is symbolic that I am a representative of those who remember Estonia before the Soviets came

and our prime minister Mart Laar, perhaps the youngest national leader in the world, came of age as they were leaving.

Another reason I am somewhat more optimistic than you may think is that international broadcasting has already done some important work. Those of us who listened to what the Soviets called the ''foreign voices'' not only heard the news but learned what news is—and importantly what it isn't. Many of our best journalists have been regular listeners to RFE/RL, to VOA, to the BBC and to all the others for their entire lives. That gave them the courage to think differently and a model for their profession. Without it, we would have been much further behind.

But there is a final reason for my optimism: the continuing impact of international broadcasting to my country and to its neighbors. Estonians and many other people around the world fudge their own media on the basis of what international broadcasting tells them. That operates as an important constraint on the tendency of domestic media operations to go off the rails, but it also means that these audiences are learning what news is and thus will demand it from their domestic outlets. And when they do, then there will be genuinely free press and the possibility of genuinely free society.

Consequently, I am now convinced that the greatest challenges for international broadcasting lie ahead and not in the past, for overcoming the problems Jefferson identified two centuries ago is not going to be easy or quick. Estonia as many of you know has done remarkably well compared to many of the other post-communist countries, but our problems are still so great in the media areas as elsewhere that we will continue to need your help and your broadcasts long into the future.

On behalf of the Estonian people, I want to thank you in the United States for all you have done in the past and are doing now through your broadcasts to my country and to other countries around the world. I believe that international broadcasting is and will remain one of the most important means for the spread of democracy and freedom. And consequently, I am very proud to greet you today on the occasion of the formation of the Broadcasting Board of Governors as an independent agency—even though I want all of you who are celebrating that fact to know that your greatest challenges lie ahead and that those of us who are your chief beneficiaries will never let you forget it.

Thank you.●

## A THANK YOU TO WILLIAM ANDREW WHISENHUNT

● Mr. HUTCHINSON. Mr. President, one of the highest compliments a person can receive is to be called a ''servant,'' someone who gives of himself for others. A man I've known for many years, a man of outstanding reputation, a man who has given a large part of his life in service to his neighbors, a man respected by his peers, is about to make a major change in his life. The people of the Fair State of Arkansas would be remiss if we did not acknowledge that change.

Andrew Whisenhunt of Bradley, in Lafayette County in southwest Arkansas, was born in the town of Hallsville, TX. However, his family moved to the Natural State while Andrew was still a baby. So, technically he is not a native. However, Andrew is an Arkansas through and through.

He has long been in the public eye. Yet, soon, Andrew will step down from the presidency of Arkansas Farm Bureau Federation after 13 years. A modern-day tiller of the soil, he has been a farmer for as long as he can remember—and his father before him. With loving support form his wife, Polly, and with help from his five children—Warren, Terri, Tim, Julie, and Bryan—Andrew has built the farm where he's lived almost all his life into what has been called a model of modern agriculture. And testimony to that has been the Whisenhunts' selection as ''Arkansas Farm Family of the Year'' in 1970, and Andrew's choice as ''Progressive Farmer Magazine's Man of the Year in Arkansas Agriculture'' in 1984.

His love for his chosen profession has carried him far beyond the fence rows of his 2,000-acre cotton, rice, soybean, and wheat-and-feed grain operation. The journey began when he joined Lafayette County Farm Bureau in 1955. By the time Andrew was elected to the Board of Directors of Arkansas Farm Bureau in 1968, he had served in almost every office in his county organization, including president. In his early years on the Farm Bureau State board, he worked on several key board panels, including the Executive and Building committees. (The latter's work resulted in construction of Farm Bureau Center in Little Rock in 1978.)

His fellow board members thought enough of his personal industry and leadership abilities that they elected him their secretary-treasurer in 1976, an office he filled for 10 years. During that time, Andrew also was active outside the Farm Bureau arena as, among other things, a charter member of Arkansas Soybean Promotion Board, and as a former president of both the American Soybean Development Foundation and the Arkansas Association of Soil Conservation Districts. Then he was elected president of Arkansas Farm Bureau in 1986.

During his tenure, the organization has enjoyed unprecedented growth in membership, influence and prestige. When Andrew accepted the mantle of top leadership, Farm Bureau represented some 121,000 farm and rural families in the State. Today, that figure stands at almost 215,000—and Arkansas has become the 8th largest Farm Bureau of the 50 States and Puerto Rico.

As Arkansas Farm Bureau has grown, Andrew's leadership has done likewise. As an influential member of American Farm Bureau Federation's Executive Committee, he has traveled far and wide as an advocate not just for Arkansas farmers, but to advance American interests in international trade and relations. He was a member of the Farm Bureau delegation that visited Russia after the Iron Curtain shredded, to experience that nation's agriculture firsthand and to offer help to farmers there. Andrew also was a key player in delegations to China, Japan, and the Far East, and to South America. He was among U.S. farm leaders who traveled to Cuba recently to see how trade with that nation might be re-established. He even led a group of Arkansas farm leaders first to pre-NAFTA Mexico; then to deliver rice the Farm Bureau had donated to a Central American village devastated by Hurricane Mitch.

Andrew's influence and tireless work ethic embrace the nonfarm sector as well. His service to his local community includes county and city school boards, his local hospital board, the Bradley Chamber of Commerce and his church. He also is a board member of Florida College in Tampa.

When Andrew steps down as president of Arkansas Farm Bureau Federation in December, the members of that great organization will miss him greatly. But he has never been one to sit still, and chances are, that won't change. As the new century unfolds, Farm Bureau's loss undoubtedly will be a gain somewhere else for all Arkansans.●

## REGIONAL MARCHEGIANA SOCIETY

● Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to the Societa Regionale Marchegiana of New Haven, CT, as they celebrate their 90th anniversary of service to the Greater New Haven community. Founded in 1909 on the principles of brotherhood and community involvement, the Marchegiana Society has enjoyed 90 years of success as one of the State's largest fraternal organizations.

A number of important events have marked the history of the Regional Marchegiana Society, including the construction of the Marchegian Center and the merging with its sister group, the Ladies Marchegiana Society. In times of war and in times of peace, this proud organization has always served as a model of patriotism, dedication, and community spirit. Over the years, its members have actively involved themselves in countless civic activities and made a real difference to the city of New Haven. In our society, which draws its strength from its diversity, the Marchegiana Society stands tall as an example of the principles upon which our nation was built.

Mr. President, I ask that you join me in honoring the fine men and women of the Regional Marchegiana Society. They have met and exceeded the expectations of their 36 founders and will undoubtedly continue their unblemished record of service far into the future.●

## TRIBUTE TO THE WASHBURN FAMILY FOR ITS PUBLIC SERVICE AND OTHER OUTSTANDING ACCOMPLISHMENTS

● Ms. COLLINS. Mr. President, I rise today to pay tribute to an extraordinary Maine family, distinguished both by its record of public service and the accomplishments it has achieved in many other walks of life. The Washburn family included three sisters

and seven brothers who helped guide this country through the Civil War and prepare our Nation for the 20th century. I am proud, as all Mainers are, that the Washburns hailed from Livermore, Maine, where the Norlands Living History Center still honors their memory and provides people of all ages with a chance to experience rural life in the late 1800's.

Israel and Martha Washburn raised 10 children in Livermore, Maine, during the early years of the 19th century. Included among the children were seven brothers who made substantial contributions to our Nation. The Washburns hold the distinction of being the only family in the history of our Nation to have three brothers serve in Congress simultaneously. In the 1850's Cadwallader Washburn representing Wisconsin, Elihu Washburn representing Illinois, and Israel Washburn, Jr., representing Maine were all Members of Congress in the tumultuous era leading up to the Civil War. Years later, William Washburn followed his brothers to Congress, representing Minnesota for three terms. William concluded his time in Washington with a term in the United States Senate.

The Washburns served the public outside of Washington as well. Cadwallader Washburn was elected Governor of Minnesota in 1872. His brother, Israel, was Governor of Maine from 1861 to 1863 and is ranked as one of the great ''war governors'' of the Civil War era for his skill and dedication in raising and equipping volunteer regiments for the Union cause. Israel was also an early member of the Republican Party and is given credit by some for naming the party.

The Washburns also served their country abroad. Charles Washburn served as a Minister to Paraguay in the 1860's. During the War of the Triple Alliance, he was forced to flee the country when the dictator of Paraguay, General Francisco Solano Lopez, accused Washburn and other embassy staffers of conspiring with Paraguay's enemies.

Elihu Washburne, who added the English ''e'' to his last name, was also a diplomat. After 16 years in the House of Representatives, where he was known as the ''watchdog of the Treasury'' for his unyielding oversight of the ''peoples money,'' he was appointed to a 2-week term as President Grant's Secretary of State. Following the courtesy appointment, he was selected as our Nation's Ambassador to France. Elihu rose to diplomatic greatness during the Franco-Prussian War of 1870–1871, which resulted in the fall of Napoleon III and the French Empire. Throughout the Siege of Paris and the upheaval of the Commune, he alone among foreign ambassadors remained at his post and gave refuge to hundreds of foreign citizens trapped in the city. His memoirs, ''Recollections of a Minister to France, 1869–1877,'' provide an important historical accounting of the end of France's Empire and his service is a model of exemplary diplomatic performance during a crisis.

The Washburn brothers also served our Nation in the military. Samual Washburn spent his life on the sea and served in the U.S. Navy during the Civil War as the captain of the gunboat *Galena*. Cadwallader recruited and commanded the Second Wisconsin Volunteer Cavalry, which served with distinction in the Civil War's southwestern theater. He rose to the rank of major-general, serving with Grant at Vicksburg and later as military commander of the Memphis District of the Army of the Tennessee.

As remarkable as they were, the achievements of the Washburn Brothers were not limited to military and governmental pursuits. Four of the brothers, Israel, Elihu, William, and Cadwallader, were lawyers. Charles was a writer and journalist who invented a typewriting machine that was sold to the Remington Company. Algernon Sydney Washburn was a successful banker in Hallowell, Maine. ''Sid,'' as he was known, provided loans to his brothers that financed many of their ventures. Cadwallader was also a successful businessman and founded a large milling operation in Minneapolis that produced Gold Medal flour, which can still be found on the shelves of America's grocery stores. Today, his company is known as General Mills. William also engaged in milling, and his company later merged with the Pillsbury Corporation.

Though the adventures of the seven brothers Washburn took them all over the globe, the Norlands in Livermore, Maine, was always their home. In 1973, their descendants donated the property, which included the family mansion, surrounding historic buildings, and hundreds of acres of land, to the non-profit Washburn-Norlands Foundation. Today, the property that was once home to this remarkable family is a living history center. Each year, approximately 25,000 visitors have the opportunity to sample life in the 1800's through Norland's hands-on educational programs. Moreover, the museum and property honors the many accomplishments of a family that is nearly without peer in the history of public service to this great nation. The Norlands Living History Center is significant for both the history it preserves and the innovative education it provides, and I commend those associated with the center for the important work that they do.

Mr. President, the legacy of the Washburn family is yet another example of why Maine and its people are so special. I am grateful for having had this opportunity to share with you the story of this remarkable family and to acknowledge the important work being done by the dedicated staff and friends of the Norlands Living History Center to protect and share this important piece of our heritage.●

## REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2841 and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2841) to amend the Revised Organic Act of the Virgin Islands to provide for greater autonomy consistent with other United States jurisdictions, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SPECTER. Mr. President, I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2481) was read the third time and passed.

## DISTRICT OF COLUMBIA COLLEGE ACCESS ACT

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 275, H.R. 974.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 974) to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''District of Columbia College Access Act of 1999''.*

***SEC. 2. PURPOSE.***

*It is the purpose of this Act to establish a program that enables college-bound residents of the District of Columbia to have greater choices among institutions of higher education.*

***SEC. 3. PUBLIC SCHOOL PROGRAM.***

*(a) GRANTS.—*

*(1) IN GENERAL.—From amounts appropriated under subsection (i) the Mayor shall award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.*

*(2) MAXIMUM STUDENT AMOUNTS.—An eligible student shall have paid on the student's behalf under this section—*

*(A) not more than $10,000 for any 1 award year (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)); and*

*(B) a total of not more than $50,000.*

*(3) PRORATION.—The Mayor shall prorate payments under this section for students who*

*attend an eligible institution on less than a full-time basis.*

*(b) REDUCTION FOR INSUFFICIENT APPROPRIATIONS.—*

*(1) IN GENERAL.—If the funds appropriated pursuant to subsection (i) for any fiscal year are insufficient to award a grant in the amount determined under subsection (a) on behalf of each eligible student enrolled in an eligible institution, then the Mayor shall—*

*(A) first, ratably reduce the amount of the tuition and fee payment made on behalf of each eligible student who has not received funds under this section for a preceding year; and*

*(B) after making reductions under subparagraph (A), ratably reduce the amount of the tuition and fee payments made on behalf of all other eligible students.*

*(2) ADJUSTMENTS.—The Mayor may adjust the amount of tuition and fee payments made under paragraph (1) based on—*

*(A) the financial need of the eligible students to avoid undue hardship to the eligible students; or*

*(B) undue administrative burdens on the Mayor.*

*(c) DEFINITIONS.—In this section:*

*(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means an institution that—*

*(A) is a public institution of higher education located—*

*(i) in the State of Maryland or the Commonwealth of Virginia; or*

*(ii) outside the State of Maryland or the Commonwealth of Virginia, but only if the Mayor—*

*(I) determines that a significant number of eligible students are experiencing difficulty in gaining admission to any public institution of higher education located in the State of Maryland or the Commonwealth of Virginia because of any preference afforded in-State residents by the institution;*

*(II) consults with the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Secretary regarding expanding the program under this section to include such institutions located outside of the State of Maryland or the Commonwealth of Virginia; and*

*(III) takes into consideration the projected cost of the expansion and the potential effect of the expansion on the amount of individual tuition and fee payments made under this section in succeeding years;*

*(B) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and*

*(C) enters into an agreement with the Mayor containing such conditions as the Mayor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the District of Columbia.*

*(2) ELIGIBLE STUDENT.—The term ''eligible student'' means an individual who—*

*(A) was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education;*

*(B) graduated from a secondary school or received the recognized equivalent of a secondary school diploma on or after January 1, 1999;*

*(C) begins the individual's undergraduate course of study within the 3 calendar years (excluding any period of service on active duty in the Armed Forces, or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of graduation from a secondary school, or obtaining the recognized equivalent of a secondary school diploma;*

*(D) is enrolled or accepted for enrollment, on at least a half-time basis, in a degree, certificate, or other program (including a program of study abroad approved for credit by the institution at which such student is enrolled) leading to a recognized educational credential at an eligible institution;*

*(E) if enrolled in an eligible institution, is maintaining satisfactory progress in the course of study the student is pursuing in accordance with section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)); and*

*(F) has not completed the individual's first undergraduate baccalaureate course of study.*

*(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).*

*(4) MAYOR.—The term ''Mayor'' means the Mayor of the District of Columbia.*

*(5) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given that term under section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).*

*(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.*

*(d) CONSTRUCTION.—Nothing in this Act shall be construed to require an institution of higher education to alter the institution's admissions policies or standards in any manner to enable an eligible student to enroll in the institution.*

*(e) APPLICATIONS.—Each student desiring a tuition payment under this section shall submit an application to the eligible institution at such time, in such manner, and accompanied by such information as the eligible institution may require.*

*(f) ADMINISTRATION OF PROGRAM.—*

*(1) IN GENERAL.—The Mayor shall carry out the program under this section in consultation with the Secretary. The Mayor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section if the Mayor determines that doing so is a more efficient way of carrying out the program.*

*(2) POLICIES AND PROCEDURES.—The Mayor, in consultation with institutions of higher education eligible for participation in the program authorized under this section, shall develop policies and procedures for the administration of the program.*

*(3) MEMORANDUM OF AGREEMENT.—The Mayor and the Secretary shall enter into a Memorandum of Agreement that describes—*

*(A) the manner in which the Mayor shall consult with the Secretary with respect to administering the program under this section; and*

*(B) any technical or other assistance to be provided to the Mayor by the Secretary for purposes of administering the program under this section (which may include access to the information in the common financial reporting form developed under section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090)).*

*(g) MAYOR'S REPORT.—The Mayor shall report to Congress annually regarding—*

*(1) the number of eligible students attending each eligible institution and the amount of the grant awards paid to those institutions on behalf of the eligible students;*

*(2) the extent, if any, to which a ratable reduction was made in the amount of tuition and fee payments made on behalf of eligible students; and*

*(3) the progress in obtaining recognized academic credentials of the cohort of eligible students for each year.*

*(h) GAO REPORT.—Beginning on the date of enactment of this Act, the Comptroller General of the United States shall monitor the effect of the program assisted under this section on educational opportunities for eligible students. The Comptroller General shall analyze whether eligible students had difficulty gaining admission to eligible institutions because of any preference afforded in-State residents by eligible institutions, and shall expeditiously report any findings regarding such difficulty to Congress and the Mayor. In addition the Comptroller General shall—*

*(1) analyze the extent to which there are an insufficient number of eligible institutions to which District of Columbia students can gain admission, including admission aided by assistance provided under this Act, due to—*

*(A) caps on the number of out-of-State students the institution will enroll;*

*(B) significant barriers imposed by academic entrance requirements (such as grade point average and standardized scholastic admissions tests); and*

*(C) absence of admission programs benefiting minority students;*

*(2) assess the impact of the program assisted under this Act on enrollment at the University of the District of Columbia; and*

*(3) report the findings of the analysis described in paragraph (1) and the assessment described in paragraph (2) to Congress and the Mayor.*

*(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia to carry out this section $12,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years. Such funds shall remain available until expended.*

*(j) EFFECTIVE DATE.—This section shall take effect with respect to payments for periods of instruction that begin on or after January 1, 2000.*

***SEC. 4. ASSISTANCE TO THE UNIVERSITY OF THE DISTRICT OF COLUMBIA.***

*(a) IN GENERAL.—Subject to subsection (c), the Secretary may provide financial assistance to the University of the District of Columbia for the fiscal year to enable the university to carry out activities authorized under part B of title III of the Higher Education Act of 1965 (20 U.S.C. 1060 et seq.).*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia to carry out this section $1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years.*

*(c) SPECIAL RULE.—For any fiscal year, the University of the District of Columbia may receive financial assistance pursuant to this section, or pursuant to part B of title III of the Higher Education Act of 1965, but not pursuant to both this section and such part B.*

***SEC. 5. PRIVATE SCHOOL PROGRAM.***

*(a) GRANTS.—*

*(1) IN GENERAL.—From amounts appropriated under subsection (f) the Mayor shall award grants to eligible institutions that enroll eligible students to pay the cost of tuition and fees at the eligible institutions on behalf of each eligible student enrolled in an eligible institution. The Mayor may prescribe such regulations as may be necessary to carry out this section.*

*(2) MAXIMUM STUDENT AMOUNTS.—An eligible student shall have paid on the student's behalf under this section—*

*(A) not more than $2,500 for any 1 award year (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)); and*

*(B) a total of not more than $12,500.*

*(3) PRORATION.—The Mayor shall prorate payments under this section for students who attend an eligible institution on less than a full-time basis.*

*(b) REDUCTION FOR INSUFFICIENT APPROPRIATIONS.—*

*(1) IN GENERAL.—If the funds appropriated pursuant to subsection (f) for any fiscal year are insufficient to award a grant in the amount determined under subsection (a) on behalf of each eligible student enrolled in an eligible institution, then the Mayor shall—*

*(A) first, ratably reduce the amount of the tuition and fee payment made on behalf of each eligible student who has not received funds under this section for a preceding year; and*

*(B) after making reductions under subparagraph (A), ratably reduce the amount of the tuition and fee payments made on behalf of all other eligible students.*

*(2) ADJUSTMENTS.—The Mayor may adjust the amount of tuition and fee payments made under paragraph (1) based on—*

*(A) the financial need of the eligible students to avoid undue hardship to the eligible students; or*

*(B) undue administrative burdens on the Mayor.*

*(c) DEFINITIONS.—In this section:*

*(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means an institution that—*

*(A) is a private, nonprofit, associate or baccalaureate degree-granting, institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), the main campus of which is located—*

*(i) in the District of Columbia;*

*(ii) in the city of Alexandria, Falls Church, or Fairfax, or the county of Arlington or Fairfax, in the Commonwealth of Virginia, or a political subdivision of the Commonwealth of Virginia located within any such county; or*

*(iii) in the county of Montgomery or Prince George's in the State of Maryland, or a political subdivision of the State of Maryland located within any such county;*

*(B) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and*

*(C) enters into an agreement with the Mayor containing such conditions as the Mayor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the District of Columbia.*

*(2) ELIGIBLE STUDENT.—The term ''eligible student'' means an individual who meets the requirements of subparagraphs (A) through (F) of section 3(c)(2).*

*(3) MAYOR.—The term ''Mayor'' means the Mayor of the District of Columbia.*

*(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.*

*(d) APPLICATION.—Each eligible student desiring a tuition and fee payment under this section shall submit an application to the eligible institution at such time, in such manner, and accompanied by such information as the eligible institution may require.*

*(e) ADMINISTRATION OF PROGRAM.—*

*(1) IN GENERAL.—The Mayor shall carry out the program under this section in consultation with the Secretary. The Mayor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section if the Mayor determines that doing so is a more efficient way of carrying out the program.*

*(2) POLICIES AND PROCEDURES.—The Mayor, in consultation with institutions of higher education eligible for participation in the program authorized under this section, shall develop policies and procedures for the administration of the program.*

*(3) MEMORANDUM OF AGREEMENT.—The Mayor and the Secretary shall enter into a Memorandum of Agreement that describes—*

*(A) the manner in which the Mayor shall consult with the Secretary with respect to administering the program under this section; and*

*(B) any technical or other assistance to be provided to the Mayor by the Secretary for purposes of administering the program under this section.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia to carry out this section $5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years. Such funds shall remain available until expended.*

*(g) EFFECTIVE DATE.—This section shall take effect with respect to payments for periods of instruction that begin on or after January 1, 2000.*

***SEC. 6. GENERAL REQUIREMENTS.***

*(a) PERSONNEL.—The Secretary of Education shall arrange for the assignment of an individual, pursuant to subchapter VI of chapter 33 of title 5, United States Code, to serve as an adviser to the Mayor of the District of Columbia with respect to the programs assisted under this Act.*

*(b) ADMINISTRATIVE EXPENSES.—The Mayor of the District of Columbia may use not more than 7 percent of the funds made available for a program under section 3 or 5 for a fiscal year to pay the administrative expenses of a program under section 3 or 5 for the fiscal year.*

*(c) INSPECTOR GENERAL REVIEW.—Each of the programs assisted under this Act shall be subject to audit and other review by the Inspector General of the Department of Education in the same manner as programs are audited and reviewed under the Inspector General Act of 1978 (5 U.S.C. App.).*

*(d) GIFTS.—The Mayor of the District of Columbia may accept, use, and dispose of donations of services or property for purposes of carrying out this Act.*

*(e) FUNDING RULE.—Notwithstanding sections 3 and 5, the Mayor may use funds made available—*

*(1) under section 3 to award grants under section 5 if the amount of funds made available under section 3 exceeds the amount of funds awarded under section 3 during a time period determined by the Mayor; and*

*(2) under section 5 to award grants under section 3 if the amount of funds made available under section 5 exceeds the amount of funds awarded under section 5 during a time period determined by the Mayor.*

*(f) MAXIMUM STUDENT AMOUNT ADJUSTMENTS.—The Mayor shall establish rules to adjust the maximum student amounts described in sections 3(a)(2)(B) and 5(a)(2)(B) for eligible students described in section 3(c)(2) or 5(c)(2) who transfer between the eligible institutions described in section 3(c)(1) or 5(c)(1).*

AMENDMENT NO. 2317

(Purpose: To permit the Mayor to prioritize the making or amount of tuition and fee payments based on the income and need of eligible students, to include historically Black colleges and universities in the definition of schools eligible to participate in the program, and for other purposes)

Mr. SPECTER. There is a managers' amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. THOMPSON, for himself, Mr. VOINOVICH, Mrs. HUTCHISON, Mr. DURBIN, and Mr. WARNER, proposes an amendment numbered 2317.

The amendment is as follows:

On page 13, between lines 16 and 17, insert the following:

(3) FURTHER ADJUSTMENTS.—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

On page 15, line 22, strike ''1999'' and insert ''1998''.

On page 23, between lines 10 and 11, insert the following:

(3) FURTHER ADJUSTMENTS.—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

On page 23, line 14, strike ''(A)'' and insert ''(A)(i)''.

On page 23, line 19, strike ''(i)'' and insert ''(I)''.

On page 23, line 20, strike ''(ii)'' and insert ''(II)''.

On page 24, line 1, strike ''(iii)'' and insert ''(III)''.

On page 24, line 5, strike ''(B)'' and insert ''(ii)''.

On page 24, line 9, strike ''(C)'' and insert ''(iii)''.

On page 24, line 15, strike the period and insert ''; or''.

On page 24, between lines 15 and 16, insert the following:

(B) is a private historically Black college or university (for purposes of this subparagraph such term shall have the meaning given the term ''part B institution'' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) the main campus of which is located in the State of Maryland or the Commonwealth of Virginia.

Mr. SPECTER. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, as amended, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment No. (2317) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (H.R. 974), as amended, was read the third time and passed.

## DWIGHT D. EISENHOWER EXECUTIVE OFFICE BUILDING

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 293, S. 1652.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1652) to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, I am pleased that today the Senate is considering S. 1652, legislation I have introduced with Senator BAUCUS and others that would name the Old Executive Office Building, OEOB, after Dwight D. Eisenhower. This bipartisan bill would honor both an architectural landmark and a great American leader.

The OEOB, located at the corner of 17th Street and Pennsylvania Avenue, is a familiar sight to my colleagues. Yet its history and architectural importance may not be as well-known. Its existence grew out of the dire need for executive office space near the White House during the 19th century. After the British burned the first pair of office buildings in 1814, the State, War, and Navy Departments had to make do in cramped quarters for several years. Finally, in the late 1860s, the Grant administration proposed a new building to house those agencies, and Congress appointed a commission to select a site and an architect.

The architect selected by the Commission was Alfred Mullett, the Architect of the Treasury. To the surprise of

some, his winning design was not Greek Revival (like the Treasury Building), but instead French Second Empire—a style that was perhaps more flamboyant and exuberant than Washington had seen until that point, but that reflected the optimism of the post-Civil War period. Ground was broken in 1871, and seventeen years later the building was completed. Today, the building is listed on the National Register of Historic Places, and ranks first among historic buildings in the inventory of the General Services Administration's Public Buildings Service.

As planned, the building first was occupied by the State, War, and Navy Departments. For years, these Departments carried out their work there. Indeed, the building has housed 16 Secretaries of the Navy, 21 Secretaries of War, and 24 Secretaries of State. But many other prominent national leaders have carried out their work there as well: Both Presidents Roosevelt (Theodore and Franklin), as well as Presidents Taft, Eisenhower, Johnson, Ford, and Bush, had offices in the OEOB before becoming President. And Vice Presidents since Lyndon Johnson have maintained offices there.

Some little-known historic trivia about the building: Apparently the building once had wooden swinging doors at its doorways, but it is said they were removed after an eager staffer cannoning through the doors ran into Winston Churchill, knocking the famed cigar from his mouth. And it is said that after a slip on the stairs, Secretary of War Taft had installed the extra brass stair railings. By the way, once Taft became President, his family cow, Pauline, grazed on what is the OEOB's South Lawn.

Eventually, however, the building's original tenants left, with the State Department the last to vacate in 1947. Once State moved out, and the President's staff began moving in, the OEOB lost its moniker as the ''State, War & Navy Building,'' and instead was known simply as the Executive Office Building. When a new office building was built across the street, the OEOB became the ''Old'' Executive Office Building, and that undistinguished name has remained to this day.

Among those who worked in the building was a young Dwight Eisenhower. My colleagues certainly are well aware of the career of our 34th President. Born in Denison, TX, and raised in Abilene, KS, Dwight Eisenhower spent a life in public service to this country. A graduate of West Point, he had the privilege of being assigned to some of our best-known military figures: Generals Pershing, MacArthur, and Marshall. Later, at the height of his military career, he was appointed Supreme Commander of the Allied Forces during WWII. He commanded the Normandy invasion, which led to the end of WWII. In peacetime, he served as president of Columbia University, and also as the head of the NATO forces in Europe. In 1952, America again called him to national service, and ''Ike'' became our 34th President. For all that he did to secure democracy and peace in this century, Dwight Eisenhower stands as one of this country's great leaders.

What my colleagues may not have known is that Dwight Eisenhower had a special personal connection to the Old Executive Office Building. As chief military aide to General MacArthur (then Army Chief of Staff), a young Dwight Eisenhower worked in the OEOB from 1933–35. Later on, when he himself became Army Chief of Staff, Eisenhower again was based in the OEOB. And on January 19, 1955, the first televised presidential press conference was held by President Eisenhower on the fourth floor of the OEOB. Indeed, Susan Eisenhower tells us that her grandfather often spoke fondly of the building and his years in it.

It is not surprising, therefore, that Eisenhower played a key role in the building's preservation. In the late 1950s, his Advisory Committee on Presidential Office Space recommended that the building be torn down and replaced with an expensive modern office building. White House historian and scholar William Seale reports that the architect in charge tried to persuade President Eisenhower, who recently had suffered a heart attack, that a new building would not have as many stairs to climb. ''Nonsense,'' said the President, ''My doctors require that I climb so many steps a day for the good of my heart!'' The tide turned at that point, and the building was saved.

Designating the Old Executive Office Building as the Dwight D. Eisenhower Office Building would be a fitting honor to a great American leader in war and in peace, and a fitting recognition of a grand American building. For that reason, this naming is supported by Stephen Ambrose, the well-known Eisenhower biographer; William Seale, the author of the White House Historical Association's history of the White House; Senator Bob Dole, World War II veteran and distinguished public servant; and the Eisenhower family. It is no wonder that S. 1652 has garnered strong and bipartisan support.

Let me extend my appreciation to the Senate leadership for setting aside this day to consider S. 1652. I look forward to its passage by the Senate today, and its ultimate enactment by Congress this year. I thank the Chair.

I ask unanimous consent that letters from Stephen Ambrose, William Seale, and Bob Dole, and an editorial by Jim O'Connell, be printed in the RECORD.

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

AMBROSE TUBBS, INC.
*Helena, MT, September 7, 1999.*

Senator JOHN CHAFEE,
*Dirksen Senate Office Building,*
*Washington, DC.*

DEAR SENATOR CHAFEE: I am eager to join Bob Dole, John Eisenhower, Susan Eisenhower and the many others who are supporting naming the Old Executive Office Building after General and President Eisenhower.

Almost a decade ago I was on a committee to do something to recognize Eisenhower's 100th birthday. Andrew Goodpaster was the chairman. At our first meeting I said we need a statue of him or a building in Washington named for him. I was about laughed out of the room. I was told there was no way the Democrats were going to honor Eisenhower in our nation's capital. I protested—if a statue, put him in uniform, I said: if a building, call it General Eisenhower. Plus which, I said, every general from the Civil War has a square in the nation's capital named for him, usually with a statue. Why not Ike? You can see how far I got.

Renaming the Old Executive Office Building for him would be appropriate as well as much deserved. He served in the building in the early 1930's as an aide to General Douglas MacArthur, then Chief of Staff, U.S. Army. In the late 1950's, as President, Eisenhower saved the building from demolition.

Eisenhower was the leader in war and in peace of the men and women who saved our country and democracy. Surely something can be done in Washington to pay at least a bit of our eternal respect and gratitude to this great man.

Sincerely,

STEPHEN E. AMBROSE.

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ALEXANDRIA, VA,
*January 13, 1998.*

Mr. JAMES J. O'CONNELL,
*Vice President, Ceridian Corp.,*
*Washington, DC.*

DEAR MR. O'CONNELL: Thank you for your letter of December 18 about the OEOB. I am interested that you propose that it be named for President Eisenhower. Long ago, Congressman Howard W. Smith told me about a meeting he had with a committee charged with the ''problem'' of that building. An architectural firm was determined to demolish it, and had at least a thousand reasons why the old building needed a new replacement (doubtless in steel and aluminum). The committee was not really happy about it, but listened. Then they had a meeting President Eisenhower attended, fresh from heart-attack recovery. The architect made a very great point about the terrible stairs in the building and how hard they were on heart patients. Eisenhower suddenly interrupted and said something like, ''Nonsense. My doctors require that I climb so many steps a day for the good of my heart.'' Somehow, the tide turned at that point and the old building was saved. Judge Smith concluded with, ''It was a perfectly good building. Well built. No need to destroy it.''

You have a good idea and a perfectly valid one. When in the company of that great structure, and all its complex architectural detailing, I like to think of all the lives that have passed through it, all the great men and even unknown great men and women that make up its story.

Do you think you will have competition from General Grant? The building is usually considered the best example of the ''General Grant'' style of American architecture. I prefer Eisenhower, because it would appear that he was the one who saved it, even before the era of preservation really began.

I appreciate your kind remarks. Certainly I have been lucky to have the White House as a vehicle for my history studies.

Every best wish,

Sincerely,

WILLIAM SEALE.

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WASHINGTON, DC,
*August 23, 1999.*

Hon. JOHN H. CHAFFEE.

It was good to talk to you last week and I'm delighted you support naming the Old

Executive Office Building after President Eisenhower. It's something that will touch the heart of every World War II veteran, indeed of every American who remembers Dwight D. Eisenhower as one of America's greatest 20th century leaders in peace and war.

Our 34th president is virtually unrecognized in the Nation's Capital. Eisenhower biographer Stephen Ambrose agrees fully that no fitting tribute to Eisenhower exists in Washington, DC. Dr. Ambrose supports naming the OEOB after Ike and would be pleased to write a letter voicing this support.

The OEOB, called the ''State, War & Navy Building'' from 1888 until 1947, is Washington's most distinguished office building. Eight future Presidents served in the building before becoming President—Theodore and Franklin Roosevelt, as Assistant Secretaries of the Navy; William Howard Taft, as Secretary of War; Herbert Hoover, as chief of the post-WWI allied relief operations; and Vice Presidents Lyndon Johnson, Gerald Ford and George Bush. Twenty-four secretaries of state served in it.

General Eisenhower himself served in the building from 1929–1935, as senior aide to General Douglas MacArthur and as Army Chief of Operations. Furthermore, noted architect and foremost White House historian William Seale tells us that former Congressman Howard W. Smith credited Eisenhower with saving the building from demolition in the late 1950s. Seale is the author of ''The White House: The History of An American Idea.''

The present name of this 19th century masterpiece is largely an historical accident. After State vacated in 1947, the building became known simply as the ''Executive Office Building.'' When a new executive office building opened on 17th Street in 1965, the Executive Office Building became the ''Old'' Executive Office Building.

Naming the OEOB for Dwight Eisenhower would give us the opportunity to honor the former State, War and Navy Building with a proper name. At the same time, it would pay a unique tribute to Dwight D. Eisenhower, whose contributions to our nation are symbolized by this building that served him well during both his military and presidential careers. I spoke last week with Susan Eisenhower about this proposal, which was brought to her for the family's consideration. Susan, her father John, and other family members are supportive. They were deeply touched that the idea has been suggested and that the Nation might honor President Eisenhower in this way.

Because OEOB is an ''office'' on the GSA Public Buildings Survey, I understand that the Committee on Environment and Public Works would have jurisdiction over legislation to name OEOB after Eisenhower. For many reasons, therefore, you are the best person to champion this legislation in the Senate. I predict many co-sponsors from both sides of the aisle

This year we mark the 30th year since Eisenhower's death. More and more World War II vets are retiring from Congress. We need to act quickly to introduce a bill, report it out of Committee and encourage timely action in the House. I hope you will be able to introduce legislation shortly after the Senate reconvenes in September. I will do everything I can personally to help you round up co-sponsors. And we will get letters of endorsement from individuals and organizations to support your leadership.

I would be delighted to put your staff in touch with a few people who have done the preliminary research on the OEOB. Maybe this would be helpful as your staff works to draft appropriate bill language. We can also provide assistance in drafting a floor statement and a ''Dear Colleague'' letter and lining up cosponsors when you have a draft bill that can be circulated among your Senate colleagues.

I look forward to hearing from you soon and providing any help you need with this important legislation to recognize the leader of The Greatest Generation. This would be particularly appropriate as the American century draws to a close and we enter the new millennium.

Sincerely,

BOB DOLE.

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[From the Washington Post, Aug. 10, 1997]

A BUILDING BY ANY OTHER NAME THAN THE OEOB

(By Jim O'Connell)

Now that Congress and the White House have reached agreement on balanced budget legislation, they can turn their attention toward addressing another overdue issue: a new name for the Old Executive Office Building (OEOB). Washington's most remarkable office building, perhaps the finest example of French Second Empire architecture in America, has a name remarkable only for its blandness—and that came to it by default.

The 19th century Victorian masterpiece was begun in 1871 and completed in 1888. Originally, it was called the State, War and navy Building after its first occupants. Twenty-four secretaries of state served there, and the former State, War and Navy libraries recall that illustrious past. Today, the OEOB houses the offices of the vice president.

In 1947, after the last secretary of state vacated the premises, White House offices moved in, and the building came to be known as the Executive Office Building (EOB). That nondescript label reflected the new executive branch tenants—the National Security Council and the Budget Bureau (now the Office of Management and Budget). Never mind that the town had plenty of other executive office buildings.

But in 1965 EOBers faced a dilemma: A new executive office building was about to open just north of the EOB. If the 1965 structure was ''new,'' then the 1888 vintage building must be old. With Washington's fascination with acronyms, the building soon became known as the OEOB. What would architect Alfred B. Mullet have said to that?

This 19th century treasure merits better—much better. Given its role and its location beside the White House, it should have a name that honors one of our presidents. Five possibilities came to mind:

The Roosevelt Executive Office Building. On the plus side, both Roosevelts worked in the building as assistant Navy secretaries. On the minus: Both are memorialized already, Franklin recently in West Potomac Park and Teddy in the woods at Roosevelt Island.

The Grant Executive Office Building. Ulysses S. Grant was president when the groundbreaking for the building occurred in 1871. Also, Second Empire architecture reached its zenith during his presidency—indeed it was sometimes called the ''General Grant Style.'' While the Union general is memorialized at the west front of the Capitol, Washington had no monument to Grant the president.

The Cleveland Executive Office Building. Grover Cleveland was president at the 1888 completion of the building. After four years of living next to the construction project, our 22nd president took a one-term hiatus—coming back to be our 24th president.

The Truman Executive Office Building. President Truman occupied the White House in 1947, when the State Department moved out. At that point, the building's name had to be changed, and the bland EOB name came into use. It seems only fitting that consideration be given to naming the building after ''Harry,'' even if he did call the building ''the greatest monstrosity in America.''

The Eisenhower Executive Office Building. Long before becoming commander of allied forces in Europe in World War II, Dwight D. Eisenhower worked in the building as Army chief of operations and military aide to Chief of Staff Douglas MacArthur. The five-star general's distinguished Army career echoes the building's military past—two bronze Spanish cannons captured in 1898 are still in place at the Pennsylvania Avenue entrance. And Eisenhower no doubt played a role in helping the building survive a 1957 recommendation of the Advisory Committee on Presidential Office Space that EOB be replaced with a modern office complex. The Kennedy Center's Eisenhower Theater is faint praise indeed for this American hero.

After a half-century, it's time to honor the old State, War and Navy Building with a new name and in so doing pay lasting tribute to a former president.

Myself—I like Ike!

Mr. STEVENS. Mr. President, I thank the authors of this legislation for working to bring this bill to the floor. I had the privilege of working under President Eisenhower as Assistant to the Secretary of the Interior and Solicitor of the Interior Department. I am proud to have served under President Dwight D. Eisenhower.

In 1947 President Eisenhower said of our democracy:

> The American system rests upon the rights and dignity of the individual. The success of that system depends upon the assumption by each one of personal, individual responsibility for the safety and welfare of the whole. No government official, no soldier, be he brass hat or Pfc., no other person can assume your responsibilities—else democracy will cease to exist.

This sentiment is still true today. It speaks to the timelessness of President Eisenhower's thoughts and efforts and it offers us a glimpse of how he approached his duties and his life in general.

Ike was a good soldier who got most of his insight into government from his experience at West Point. His focus was on duty, honor and country. To him, the role he was given by the American people is outlined in the Constitution and he followed the language of the Constitution to the best of his ability. Also known as an ''internationalist'', he believed in friendship and peace. Ike ran for President because of concern that too many people were afraid of other countries and believed that if we were to have peace in the world then we need friendships with other countries.

Eisenhower as our leader made many decisions that we live by today. Unlike many who currently seek and obtain political offices, he was concerned with making the right decisions and not with what his legacy would be. Today's leaders should and do build on the leadership of the past—leadership that he provided and taught us to emulate.

The period of Ike's Presidency was an interesting and important period in the history of our country—particularly for my State and the State of my good

friend from Hawaii, Senator INOUYE. President Eisenhower originally opposed statehood for Alaska in his first term. In 1950 you needed a passport or birth certificate to return to the ''south 48'' from Alaska. Today we remember the phrase ''Taxation without representation''. It was true back then, especially for those of us who fought and returned from WWII. It was demeaning and unfair. As everyone knows, we won the statehood fight and it turned out to be good for the people of Alaska and the country as a whole.

In working for Alaska statehood under President Eisenhower I found the ability to work freely, but with his full support. Bill Ewald, a good friend of mine, is quoted in the book ''Eisenhower the President'':

> . . . in the end . . . the greatest glory must go to Eisenhower. He chose his lieutenants, gave them the freedom to think and to innovate, backed them to the hilt despite his qualms, and thus produced an outcome that, in retrospect, remains a triumph of his administration.

Only 40 years later Alaska provides 25 percent of all U.S. oil production, and 50 percent of fish consumed in the United States is caught off Alaska's shores.

Eisenhower believed that a modern network of roads is ''As necessary to defense as it is to our national economy and personal safety''. Under his leadership, the Federal Aid-Highway Act of 1956 authorized 41,000 miles of highways (later adjusted to 42,500) by 1975. By 1980, 40,000 miles were completed. Today there are more than 42,700 miles in the system. Citizens of no nation on Earth can equal the mobility that is available to the majority of Americans via our National Highway System. A study in 1994 found that the fatality rate for interstate highways is 60 percent lower than the rest of the transportation system and the injury rate is 70 percent lower. The U.S. Army cited the Interstate Highway System as being critical to the success of the Desert Shield-Desert Storm Operation because it allowed for the rapid deployment of troops and equipment to U.S. ports for deployment overseas.

In the area of defense, Ike's efforts could not be eclipsed. His leadership in pushing for adequate funding of our defense system led to the successes we enjoy today. With the strongest military power on Earth, and with new and effective weapon systems in our arsenal, we should look to the past and give Ike credit for his vision on our national defense.

In his 1961 farewell address, President Eisenhower said:

> America is today the strongest, the most influential and most productive nation in the world . . . America's leadership and prestige depend, not merely upon our unmatched material progress, riches and military strength, but on how we use our power in the interests of world peace and human betterment.

It was President Eisenhower's hope as we all pursue our careers, regardless of the path we take, that we would remember his words and would do our best to be a ''foot soldier'' in his battle to ''wage peace.'' I still consider myself one of Eisenhower's ''foot soldiers''.

Naming the Old Executive Office Building after President Eisenhower is a fitting tribute to the man who save the world and I am proud to cosponsor this legislation.

Mr. HAGEL. Mr. President, I join the chorus of voices calling for the Old Executive Office Building to be renamed in honor of Dwight D. Eisenhower.

President Eisenhower had a direct connection to the building. He worked there as an aide to Gen. Douglas MacArthur, and as Army Chief of Operations. As President, he saved the building from demolition.

But of course the reasons for commemorating President Eisenhower in this way are far more profound than his historical connection to the building.

At the close of this century, America is the world's lone superpower—due in large part to the leadership of President Eisenhower from 1953–60, the years when the course to our current position of supremacy was being charted.

A world power structure going back several centuries was shattered by World War II. America had made a grave mistake after World War I by retreating into isolationism. Fortunately, after the Second World War, the United States recognized its responsibility to assume leadership of the free world in the global confrontation with communism. The man most responsible for solidifying America's postwar position was Dwight D. Eisenhower.

Eisenhower, former supreme allied commander in World War II and then supreme commander of the new North Atlantic Treaty Organization, understood perhaps better than any man of his time how the world was interconnected—and how America's destiny was intertwined with the destinies of its friends and enemies throughout the world. He was not afraid to lead in foreign policy.

Nor was he afraid to lead in domestic policy, especially in race relations. We think of the 1960s as the decade of civil rights, but it was President Eisenhower who ordered the complete desegregation of the Armed Forces. It was President Eisenhower who sent Federal troops to Little Rock, Arkansas, to guarantee compliance with a court order for school desegregation.

Naming the Old Executive Office Building for Dwight D. Eisenhower is a fitting way to honor the many ways he contributed to the building of the greatest nation the world has ever seen.

Mr. ROBERTS. Mr. President, I rise in strong support of the Environment and Public Works Committee legislation to name the Old Executive Office Building after one of Kansas' sons, former President Dwight David Eisenhower.

Although Congress is portrayed in the press as mired in gridlock over budget caps and campaign finance reform, the Senate does rise above the daily political battles and pass commonsense bipartisan legislation that the American public is often unaware of because it lacks the sizzle for front page headlines or evening news sound bites.

The Senate passage of S. 1652 formally recognizes former President Eisenhower's dedication and faithfulness to the United States. This Kansan rose from his commission as a second lieutenant of Infantry at West Point to Supreme Commander of the Allied Expeditionary Forces, where he directed one of the most ambitious invasions in military history.

At the end of his military career, Eisenhower embarked on his successful candidacy for President of the United States. Eisenhower's biographer, Stephen Ambrose, wrote in his introduction to ''Eisenhower The President'' that ''Dwight Eisenhower is one of only two Republicans (the other was Grant) to serve two full terms as President. Along with the two Roosevelts, he is the only twentieth-century President who, when he left office, still enjoyed wide and deep popularity. And he is the only President in this century who managed to preside over eight years of peace and prosperity.''

America liked Ike.

We in Kansas are always honored when we can share our admiration for Dwight David Eisenhower with the rest of the Nation including the Dwight David Eisenhower National Highway System and the Eisenhower Presidential Center in Abilene, Kansas.

My own family has strong ties to Ike and the Eisenhower years. My father, Wes, played a key role in Eisenhower's presidential nomination and his election. He served as Republican national chairman for Ike.

Naming the Old Executive Office Building after former President Eisenhower is fitting because this building is almost as historic as the White House. Former Presidents Theodore and Franklin D. Roosevelt, Taft, Johnson, Ford, and Bush, and Eisenhower himself, all had offices in this building before becoming President. This ornate building is one of the most impressive buildings in Washington and some believe its style epitomizes the optimism and exuberance of the post-Civil War period when it was constructed. Throughout his government career, Ike also conveyed these feelings to his troops and the American people therefore this recognition is well-deserved.

I am glad that my Senate colleagues agreed to expedite the passage of this bill and hope the other body takes quick action. It builds on last week's celebration in Kansas of former President Eisenhower where the State of Kansas made his birthday Dwight D. Eisenhower Day in Kansas. More importantly, our state leaders provided schools with curricula on Eisenhower

to teach and remind children of this great leader.

For my colleagues reading and information, I ask unanimous consent that an editorial from the Topeka Capital Journal be printed in the RECORD.

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

DWIGHT D. EISENHOWER FINALLY GETS HIS DAY

It is not hyperbole at all to say this: Dwight D. Eisenhower stands as one of the 20th century's towering figures—and among what may have been history's most heroic generation, he was a giant.

This Kansas-reared man's memory is still celebrated today in the hamlets of Europe he helped free from Nazi oppression and occupation as supreme Allied commander in World War II.

Meanwhile, in a wax museum dedicated to all the U.S. presidents in Gettysburg, Pa., Eisenhower's likeness has been lifted out of its chronological place and given its own spotlight for visitors to appreciate. His life, his career, his achievements, his impact on the world were that significant.

Yet, the state that claims him, and which he claimed as a youth and at his death in 1969, has done precious little to observe his honored place in history.

Until now.

This week, Abilene, site of the Eisenhower Library and Museum, feted the 34th president in a three-day celebration ending today with a conclusion of a Veterans of Foreign Wars vigil at 8 a.m., wreath layings at 10:30 and 11 a.m., a children's bicycle parade at 1:30 and the unveiling at 2 p.m. of a statute of a boyish Eisenhower at the downtown mini-park.

Thursday, on his birthday and officially Dwight D. Eisenhower Day in Kansas, schoolchildren released balloons, heard music and speeches (including one by Ike's granddaughter, Anne Eisenhower) and celebrated with a birthday party and concert that night.

Just as important, curricula on Eisenhower was sent to schools statewide.

It's hard to believe we've gone this long before proclaiming a day for Eisenhower—the state's most famous and celebrated figure.

''He really is a world-renowned figure,'' said state Sen. Ben Vidricksen, R-Salina, who sponsored the legislation leading to this long-overdue observance.

Though born in Denison, Texas, Eisenhower spent his formative years in Abilene, Kan., where they regard him as a local boy who grew to become a hero.

''He was a wonderful role model,'' said Kim Barbieri, education specialist with the Eisenhower Foundation.

''Even his critics never questioned his honesty and sincerity,'' said one author. ''As a general, he commanded the greatest army in history. As a president, he dedicated himself to fighting for peace.''

Indeed, though a product of the military, Eisenhower once warned the American people to guard against ''the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex.''

Though his was one of the poorer families in Abilene, it was predicted in the Abilene High School year-book in 1909 that Eisenhower would go on to be president—Dwight's brother, Edgar Eisenhower, that is. Dwight was supposed to go on to be a history professor at Yale.

The prediction was off slightly, of course. And because of that, the world is a better place—and millions of people are free today.

Mr. BROWNBACK. Mr. President, I rise today to add my support to S. 1652, a bill to designate the Old Executive Office Building located at 17th and Pennsylvania, here in the District of Columbia, and the Dwight D. Eisenhower Executive Office Building.

I remind my colleagues of the many accomplishments and selfless contributions of our 34th President. His strong character and remarkable achievements have made him a role model for many young people worldwide. As a native of Kansas myself, it is an honor to commemorate this fellow Kansan by associating his name with a remarkable architectural landmark like the Old Executive Office Building.

Born 25 years after the end of the civil war, Dwight David Eisenhower was the third son of David and Ida Eisenhower. He spent his formative years sharing a crowded house with five brothers in Abilene, Kansas. He sought and received an appointment to West Point. In 1927 he entered Army War College here in Washington, DC. His early Army career saw rapid advancement through the ranks. Within 11 years, he was chief military aide to Gen. Douglass MacArthur and by the age of 40 served as Army Chief of Operations. While holding these positions, Eisenhower occupied several offices in the Old Executive Office Building and spent many hours walking the white marble tile corridors.

On June 6, 1944, he was Supreme Commander of the D-Day Normandy invasion. Through his actions and duties, his name became synonymous with heroism. Just 6 months later, he was promoted to U.S. Army's highest ranking, General of the Army.

After the war, Eisenhower's popularity with the American people soared. In 1948, he actually received the nomination for President from both political parties but declined the honor. Instead, he became the president of Columbia University in New York City. Fear of communist built-up and disappointment with the mismanagement of the Korean war, convinced Eisenhower that he had a duty to run, and in 1952 he received the Republican nomination for President.

Eisenhower's two terms as President of the United States saw many progressive and important accomplishments. After inauguration, he signed a truce that brought an armed peace along the border of South Korea and effectively ended the war. In 1956, he sponsored the first civil rights bill since Reconstruction. Eisenhower signed legislation creating the National Aeronautics and Space Administration and witnessed Alaska and Hawaii become States. His public works programs included the Saint Lawrence Seaway in 1954 and the Interstate Highway System in 1956, the largest construction project in history. Perhaps Eisenhower's greatest feat during his presidency was making and keeping the peace with communist countries. Eisenhower seldom boasted, but he once summed up one of the proudest accomplishments of his presidency in these words: ''The United States never lost a soldier or a foot of ground in my administration. We kept the peace. People asked how it happened—by God, it didn't just happen, I'll tell you that.''

Dwight D. Eisenhower attributed his success and good fortune to ''. . . a lifetime of continuous association with men and women . . . who . . . gave others inspiration and guidance.'' His parents, church, and community were first among them. The small town environment of Abilene, Kansas taught him ambition without arrogance and self-dependence with a concern for others. President Eisenhower never forgot where his strength or that of the Nation came from. In June of 1954, an amendment was made to add the words ''one Nation under God'' to the Pledge of Allegiance. Eisenhower remarked, ''In this way we are reaffirming the transcendence of religious faith in America's heritage of future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war.''

So, in renaming this most historic structure, we celebrate not only the accomplishments of President Eisenhower, but the strong, loving family and nurturing community of his youth which helped propel him to greatness. These are the values with which we attempt to equip our children and prepare great leaders for our future.

Many of the young people of our country have little or no idea who this great American was or what his leadership in both war and peace meant to the nation and the world. It is my hope that when Americans visit the Dwight D. Eisenhower Executive office Building, a curiosity about his heritage is evoked in children and adults alike, and people are inspired by his example.

I encourage all Senators to support this bipartisan legislation and honor our former President and wartime leader Dwight D. Eisenhower.

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1652) was read the third time and passed, as follows:

S. 1652

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

**SECTION 1. DESIGNATION OF DWIGHT D. EISENHOWER EXECUTIVE OFFICE BUILDING.**

The Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, shall be known and designated as the ''Dwight D. Eisenhower Executive Office Building''.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to

the Dwight D. Eisenhower Executive Office Building.

## CYSTIC FIBROSIS AWARENESS WEEK

Mr. SPECTER. Mr. President, I ask unanimous consent that S. Res. 190 be discharged from the Judiciary Committee and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 190) designating the week of October 10, 1999, through October 16, 1999, as ''National Cystic Fibrosis Awareness Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. CAMPBELL. Mr. President, today I urge my colleagues to support passage of the pending resolution, Senate Resolution 190, designating October 10, 1999, through October 16, 1999, as ''National Cystic Fibrosis Awareness Week.'' I introduced this legislation in September and am pleased that it garnered such strong bipartisan support from my Senate colleagues. I am hopeful that greater awareness of cystic fibrosis, CF will lead to a cure.

Incredibly, CF is the number one genetic killer in the United States. Approximately 30,000 Americans suffer from the life-threatening disease. Today, the average life expectancy for someone with CF is 31 years. We must do what we can to change that.

I urge my colleagues to support final passage of this resolution so that we can move one step closer to eradicating this disease.

Mr. SPECTER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to S. Res. 190 be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 190) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 190

Whereas Cystic Fibrosis is the most common fatal genetic disease in the United States, for which there is no known cure;

Whereas Cystic Fibrosis, characterized by digestive disorders and chronic lung infections, has been linked to fatal lung disease;

Whereas a total of more than 10,000,000 Americans are unknowing carriers of Cystic Fibrosis;

Whereas 1 out of every 3,900 babies in the United States are born with Cystic Fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, suffer from Cystic Fibrosis;

Whereas the average life-expectancy of an individual with Cystic Fibrosis is age 31;

Whereas prompt, aggressive treatment of the symptoms of Cystic Fibrosis can extend the lives of those who suffer with this disease;

Whereas recent advances in Cystic Fibrosis research have produced promising leads in relation to gene, protein, and drug therapies; and

Whereas education can help inform the public of Cystic Fibrosis symptoms, which will assist in early diagnoses, and increase knowledge and understanding of this disease: Now, therefore, be it

*Resolved*, that the Senate—

(1) designates the week of October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week;

(2) commits to increasing the quality of life for individuals with Cystic Fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund raising efforts for research, and increased levels of support for Cystic Fibrosis sufferers and their families; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

## NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. SPECTER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 199 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 199) designating the week of October 24, 1999, through October 30, 1999, and the week of October 22, 2000, through October 28, 2000 as ''National Childhood Lead Poisoning Prevention Week.''

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 2318

Mr. SPECTER. Mr. President, I understand Senator REED has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. REED, proposes an amendment numbered 2318.

The amendment is as follows:

On page 2 line 8, strike ''day'' and insert ''weeks''.

Mr. SPECTER. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2318) was agreed to.

The resolution (S. Res. 199), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 199

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the United States Center for Disease Control and Prevention, 890,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than those from high income families;

Whereas children may become poisoned by lead in water, soil, or consumable products;

Whereas most children are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 24, 1999, through October 30, 1999, and the week of October 22, 2000, through October 28, 2000, as ''National Childhood Lead Poisoning Prevention Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

## ORDERS FOR TOMORROW

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, October 20. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the motion to proceed to S. 1692, the partial-birth abortion bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. SPECTER. Mr. President, for the information of all Senators, the Senate will resume consideration of the motion to proceed to the partial-birth abortion bill tomorrow morning. By previous order, a vote on the motion will occur after 20 minutes of debate. Therefore, Senators can expect the first vote at 9:50 a.m. If the motion is adopted, it is anticipated the Senate will continue debate on the bill throughout the day. It is the hope of the majority leader an agreement can be reached with regard to amendments so that the bill can be completed prior to the close of business on Thursday. The Senate may also consider any appropriations conference reports available for action.

ORDER FOR ADJOURNMENT

Mr. SPECTER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator EDWARDS and my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. SPECTER. Mr. President, I voted in favor of cloture on the amendment denominated the Daschle amendment, which was the Shays-Meehan bill, because I believe comprehensive campaign finance reform is highly desirable. The bill, as embodied in the Daschle amendment, would eliminate soft money for all issue advertising. I believe that is sound.

I voted to oppose cloture to the Reid amendment, which would curtail soft money for issue advertising for only six committees: The Republican National Committee, the Democratic National Committee, the Republican Senatorial Campaign Committee, the Democratic Senatorial Campaign Committee, the Republican House Campaign Committee, and the Democratic House Campaign Committee.

It is my view that if soft money is to be prohibited on issue advertising, then soft money should be prohibited across the board. To approve the lesser provisions of the Reid amendment, which would affect only six political campaign committees, would be unfair, because other organizations could use soft money for issue advertising.

That is the distinction on my vote on the Daschle amendment where I voted for cloture contrasted with the Reid amendment where I opposed cloture.

Furthermore, I believe the comprehensive reform embodied in the Shays-Meehan bill is what ought to be adopted. The bill has another very important provision; and that is the provision relating to the changing of the definition of ''express advocacy'' and ''issue advocacy.'' At the present time, issue advocacy would incorporate an advertisement, which could detail the ways one candidate is bad, and his opponent is good. But as long as the ad did not say, ''Vote for the opponent; vote against the candidate,'' it is considered issue advertising. That is totally unrealistic. Shays-Meehan would make an important change on that provision.

I would add one caveat as to constitutionality. All of this is subject to some very stringent tests under the Buckley decision. I believe before we are going to get comprehensive campaign reform, we need to overrule the decision of the Supreme Court of the United States in Buckley v. Valeo.

Senator HOLLINGS and I have proposed constitutional amendments now for more than a decade. I would not consider amending the language of the first amendment, but I disagree when a Supreme Court decision, made by a divided Court—says that money is equivalent to speech for the individual person but not for contributors. I ran in 1976 in a contested primary against my good friend, the late Senator John Heinz. In the middle of that campaign, the Supreme Court of the United States decided that an individual can spend millions, where my opponent spent a considerable amount of money—but as my brother he was limited to a $1,000 contribution. His speech as an individual contributor, was limited in the context, where my brother could have financed a campaign. Ultimately, we are going to have to change the Buckley decision.

To repeat, I would not change the language of the first amendment. But, I think other legal judgments, perhaps mine included, would be as good as the Supreme Court Justices who decided Buckley v. Valeo.

But I do believe that if there is to be a curtailment of soft money, it ought to be done as Shays-Meehan did it in the Daschle amendment; not with the Reid amendment, which would limit only six political committees and leave others in a position to finance soft money campaigns, which would be an uneven playing field and unfair.

Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, our political process is diseased. The virus causing that disease is money. The worst virus of all is what is known as soft money. The people of America, including folks I grew up with in a small town in North Carolina, no longer believe their vote matters. As a result, they do not go to the polls; they do not participate. They have completely disengaged with their Government and the political process.

We have to do something in the Senate to bring those people back, to make the people all over this country believe again that this is their Government. We have to make people believe again that their Government up in Washington is not some foreign thing that has nothing to do with them and nothing to do with their lives, but, in fact, they have ownership of this Government; this is their Government. It doesn't belong to the Senators who participate in this body; it belongs to the people, every single one of them. We must make them believe again that when they go to the polls and vote, their vote counts every bit as much as anybody else's vote and that their voice in the process is as loud and clear as anybody else's.

The reality is, people have disengaged for a two major reasons. One is the influx of big money. I don't think it is an accident that during the widening of the soft money loophole and the boom of big soft money contributions over the last several years that allows people to write checks for $100,000, $200,000, $500,000, completely unregulated, unmonitored—that during this same period of time voter turnout has steadily declined.

The simple reason for that is, average Americans, average North Carolinians, believe their voice is being drowned out by big money. These people, who have good sense, their gut tells them that when somebody else writes a check for $100,000—first of all, most of them can't afford to write a check for $25 for a political candidate, much less $100,000—that there is no way in their life experience they are going to be listened to, that they are going to have the access to their Senator or to their Congressman that the person who writes these big money checks has. It is just that simple. They are not on a first-name basis with their Senator, they are not on a first-name basis with their Congressman, but these people who write $100,000 checks are.

We have to do something about that. That problem—that cynicism, the distrust, the belief that Government up in Washington has nothing to do with them—is what keeps them from going to the poll.

Unfortunately, this problem of the influence of big money is compounded when they turn on their television sets in October before an election, and what do they see on television? They see hateful negative personal attacks, many of which are funded with big money, soft money, unregulated money contributions. These negative political ads are the second major reason people are not engaged in the political process. It is the reason that they don't vote and that they are cynical about government and cynical about politics. It is also the reason they don't encourage their kids to get involved in government. It is the reason they themselves don't participate, because they believe in their hearts that the process has been corrupted. The result of that corruption is, they want nothing to do with it. They don't want their family to have anything to do with it. They don't want their kids to have anything to do with it.

It used to be that public service was a very noble calling, before this extraordinary influx of big money and these spiteful advertisements we have seen over the last few years. We have to do everything in our power to return power in this Government where it started and where it belongs, which is with average Americans going to the polls.

One of my constituents wrote to me. I think he said it very well. I am quoting Jason McNutt. He said:

> Our democracy is threatened by the amounts that wealthy special interests are spending on politics. Ordinary citizens like myself have very little influence. . . The American democracy has been corrupted by big money.

He is exactly right. Mr. McNutt is expressing a feeling that, at a gut level, people all over this country have. And that feeling of disenchantment is what we have to address.

I heard an extended debate last week between Senator MCCAIN, who has shown great and courageous leadership on this issue, and another Senator. Basically the interchange was, point out to us what Senators have been corrupted. A large part of the debate had to do with questions and answers about which Senators had been corrupted.

I have been in the Senate for about 9 months.

The men and women I serve with here are far from corrupt. They are hard-working people who do what they think is right and, even when we disagree, I have enormous respect for my colleagues in this body. That respect has done nothing but grow during the time I have been here.

The problem with the debate, though, is it is not about what Senators are corrupt. That focus is wrong. That is about us. This debate is not about us. This debate is about the folks who have quit voting. It is about parents who don't want their kids involved in politics, who don't want their kids involved in Government. They have this feeling in their stomach that there is something wrong. They could not articulate to you with great specificity what is wrong, but they know something is wrong. There is no place I would put greater confidence than in the gut understanding of the American people. It is the reason they are not voting anymore and not participating.

The single biggest loophole that we have today is soft money. I strongly support comprehensive, across-the-board campaign finance reform, to return power to regular people. But the reality is that what we have a chance of passing in this Congress is a ban on soft money. That doesn't solve the problem, there is no question about that; we will continue to have other problems in other areas. But if we keep putting this off, not addressing the issue and voting it down on a procedural basis, even though a majority of the Senators voted in favor of campaign finance reform, we have not sent the right signal to the American people. We have a responsibility—I believe I have a personal responsibility to the people that I represent all over North Carolina—to say that we are going to do what we can do. We are going to send you a powerful signal that we are starting the process of solving this huge problem.

The simplest way to send that signal is to ban soft money—to ban it tomorrow. Let's put a stop to this unregulated flow of huge sums of money that are coming into our political system. This ban alone won't solve the problems facing our political system. Nobody believes it will. But it will send a powerful message across this country that we care, that the people in this Senate care about how average Americans feel about the process. Because if we don't ban soft money, we send the signal that we don't care, that all we care about is ourselves, our own elections, and we don't care about the people out there across this country who are no longer going to the polls. We have to do something about that. They need to hear a loud and powerful message from us.

We can address the other issues as we go forward. But, first, we have to make it clear to the people of America that we are willing to do something and that we are focused on them, their concerns, and their worries and not just ourselves and our elections. That is what we need to do, Mr. President.

The bottom line is, we ultimately have to return power in this Government to where it started, which is with regular people going to the polls. We have to return democracy to its roots, because that is how this country began. Over the course of the last 200 years—particularly over the course of the last 10 years—that has changed. Folks back home know in their hearts and souls, without seeing it, that these powerful people who write big checks, the big special interests, are having an enormous influence over what happens up here. It bothers them. You know, it ought to bother them, because they are right. We have to say something back to these people who are worried, who aren't voting anymore and don't want their kids involved in Government and politics. I, myself, in my last campaign, made a decision not to accept contributions from PACs and Washington lobbyists, which is nothing but a small step along this road. But we as a body have to send a message, and that message should be loud, clear, and unequivocal. The message is that we are returning power in your democracy to you.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:25 p.m., adjourned until Wednesday, October 20, 1999, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate October 19, 1999:

### DEPARTMENT OF JUSTICE

DONNA A. BUCELLA, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS VICE CHARLES R. WILSON, RESIGNED.

# EXTENSIONS OF REMARKS

## VA PRESCRIPTION DRUG BENEFIT IN PERIL

### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. STEARNS. Mr. Speaker, I rise to share with you my concern with a letter I recently received from the Department of Veterans Affairs. As Chair of the Subcommittee on Health of the Committee of Veterans' Affairs, I am deeply concerned by any action that threatens the well-being of those Americans who have laid their lives on the line for our country.

I know that many of my colleagues have signed on to a bill that promises to help senior citizens better afford their medicines. I refer to H.R. 664, which would extend favorable government prices for prescription drugs to retail pharmacies serving the Medicare population. Although this may sound like a win-win proposition, there would be some very big losers, namely, the nation's veterans.

The letter I received from Thomas L. Garthwaite, M.D., Acting Under Secretary for Health of the Veterans Administration reads, in part: We believe enactment of H.R. 664 would increase VA's annual pharmaceutical costs by $500 to $600 million.

This could put the health of millions of veterans at risk because the VA would have to make up for those increased expenditures either by denying veterans needed medicines or by cutting back on other health care services. Our veterans deserve better than that.

The purpose of this speech is not to pit veterans against seniors. Rather, it's to suggest that H.R. 664 is not the way to help either of these groups. It would extend price controls to more than 40 percent of the pharmaceutical marketplace. And price controls, throughout their long and dismal history, have never solved anything. Instead, they've created shortages, delays and rationing, which we simply can't afford in health care.

We owe a debt to veterans and I intend to see that the debt is paid in full. We also have an obligation to help senior citizens gain better access to the benefits of modern medicines. Seniors deserve more from their Members of Congress than the false promise of cheap drugs through price controls. In a word, they deserve coverage. We need to roll up our sleeves and get to work on legislation that would expand coverage options for seniors while protecting the well-earned health benefits of our nation's veterans.

Mr. Speaker, I insert this letter for the RECORD.

DEPARTMENT OF VETERANS AFFAIRS,
VETERANS HEALTH ADMINISTRATION,
*Washington, DC, August 11, 1999.*

Hon. CLIFF STEARNS,
*Chairman, Subcommittee on Health, Committee on Veterans' Affairs, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This is in response to your letter on the impact on the Department of Veterans Affairs (VA) of H.R. 664, which would extend favorable government prices for pharmaceuticals to the Medicare population.

We are very concerned that this proposed legislation would have an indirect, negative impact on VA pharmaceutical budgets. Section 3(c) of the bill would force covered outpatient drug manufacturers to sell to Medicare-affiliated pharmacies at the lower of the Medicaid reported best price or the ''lowest price paid for [the drug] by an agency or department of the United States''. The latter benchmark would include not only low Federal Supply Schedule (FSS) and FSS Blanket Purchase Agreement (BPA) prices negotiated by VA for the Government, but also large volume committed use national contract prices obtained by VA and/or Department of Defense (DOD) in head-to-head competitive procurements. Perhaps most importantly, the ''lowest price paid'' benchmark would include many Federal ceiling prices (FCPs) already imposed on manufacturers by the Veterans Healthcare Act of 1992, Section 603 (Public Law 102–585; 38 U.S.C. 8126).

By way of further information, through many recent inquiries by drug manufacturers regarding this bill, we have been informally informed that manufacturers may no longer offer lower-than-FCP prices to VA and DOD in BPA and national contract negotiations. They may also invoke 30-day cancellation clauses in FSS contracts and BPAs, to the extent allowed by Public Law 102–585, which would force Government healthcare agencies to buy drugs in the open market at much higher retail prices or AWPs (average wholesale prices).

In summary, we believe enactment of H.R. 664 would increase VA's annual pharmaceutical costs by $500–600 million. We would be pleased to discuss this matter further with you. If you have additional questions, please contact me or Mr. John Ogden, Chief Consultant for Pharmacy Benefits Management, at 202.273.8429/8426.

Sincerely,

THOMAS L. GARTHWAITE, MD,
*Acting Under Secretary for Health.*

## TRIBUTE TO DIETER SCHMIDT—A TIRELESS ADVOCATE FOR CLOSER GERMAN-AMERICAN RELATIONS

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Dieter A. Schmidt, Director of the Institute for Foreign Relations of the Hanns Seidel Foundation of Munich, Germany. Mr. Schmidt is a true friend of the United States and a longtime force for stability and cooperation in Europe.

One of Mr. Schmidt's most lasting accomplishments has been his leadership of the Franz Josef Strauss Symposium, a highly regarded international conference on foreign and security policy. The Symposium—which will be held for the twentieth time later this year in Munich—has provided a platform for senior American officials and Members of Congress to meet and discuss with their German counterparts perspectives on critical issues relating to Germany and European affairs.

For the past two decades, this outstanding forum has provided an excellent opportunity to consider and evaluate the dramatic changes that have taken place in Central Europe—the fall of the Berlin Wall, the end of the Cold War, the enlargement of NATO, and the changing nature of international institutions in the post-Cold War era. Dieter Schmidt's guidance—from helping to establish the Symposium in 1979 to chairing its meetings and working tirelessly to bring together policy makers on both sides of the Atlantic—has provided a critical forum for leaders of both of our countries to meet, to build strong personal relationships and to create greater mutual understanding and cooperation.

Throughout his career, Schmidt has time and time again worked to strengthen German-American relations. In 1957, as a young officer, he attended an exchange program at the United States Military Academy at West Point. In 1968, Schmidt returned to the United States for CBW warfare training at Fort McClellan, Alabama. After his military career, he became the international secretary of the Christian Social Union Party. In that capacity, Schmidt played a key role in the founding of the International Democratic Union (IDU), a worldwide association of Christian Democratic and conservative political parties. For many years now he has served as a member of the Committee for International Affairs of the IDU, where he was instrumental in expanding the organization to include American participation.

In 1981, in his capacity as Director of the Institute for Foreign Relations at the Hanns Seidel Foundation, Dieter Schmidt initiated a series of annual conferences to educate congressional staff about the German and European political processes. In the past eighteen years, these extremely valuable conferences have involved the participation of almost two hundred Congressional staff members, and they have provided the participants with a much broader and more meaningful understanding of Germany and of America's other key allies and partners in Europe.

Mr. Speaker, as we mark the twentieth gathering of the Franz Josef Strauss Symposium, I invite my colleagues to join me in paying tribute to the remarkable contributions of Dieter Schmidt to the close ties between Germany and the United States. His efforts merit our great appreciation and our respect.

## RECOGNIZING MR. RAMON GONZALES AND THE ''MIRACLE ON WEST 31ST STREET''

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. PASTOR. Mr. Speaker. I rise today to pay tribute to Mr. Ramon Gonzales, a generous man of limited means who works hard

to ensure that the Spirit of Christmas touches all of South Tucson's children.

Twenty-nine years ago, Mr. Gonzales held a neighborhood Christmas party for his own children and a few of their friends. Because the party was so successful and appreciated, he gave another one the following year and every year since. Throughout the years, the celebration has radiated from Mr. Gonzales' small stucco house and onto West 31st Street. Now, on the day of the party, the street is blocked off and there are refreshments, balloons, clowns, mariachi music, piñatas, face painters, live radio broadcasts, and presents.

During the festivities, Santa Claus arrives to hand presents out to the children, sometimes in a red fire truck and other times in a helicopter. However he arrives, children, parents and volunteers alike thrill to the renewal of Christmas magic and the promise of a better tomorrow. Because of the happiness the celebration generates, Tucson's residents have come to call it the ''Miracle on 31st Street.'' This year's event is expected to benefit approximately 4,000 local children, who undoubtedly will have a memorable Christmas because of Mr. Gonzales' kindness and compassion.

Mr. Gonzales, a former sheet metal worker now on disability, works all year to organize and develop resources for the Christmas Eve celebration. Always modest, Mr. Gonzales insists that ''It's the volunteers that make the party,'' and he, along with 200 other volunteers, works tirelessly to ensure the success of the annual event. Many of the volunteers are Mr. Gonzales' union friends, and he has been praised by his union president, who said ''I wish we all could be as selfless and as giving as Brother Gonzales.'' Volunteers also come from businesses, radio stations, friends, neighbors, nonprofit groups, and government agencies who enjoy generating positive feelings for the children and within the volunteer corps.

Although many of the children who come to the party are from low income families who may not have another Christmas celebration, Mr. Gonzales welcomes all children to join in the festivities. He understands that childhood dreams are nurtured through a caring community that transcends the individual's situation and emphasizes positive concepts: sharing, love, involvement, generosity, and kindness. The block party on West 31st Street in South Tucson has become a beacon for those ideals.

I commend Ramon Gonzales for his dedication and personal sacrifice that has generated so many positive emotions and wonderful memories for thousands of children. He is an outstanding model for our nation of one person truly making a difference. May his energies and commitment continue for many years to come.

## PROMOTING HEALTHY HEARTS AND HEALTHY LIVES: DEAN ORNISH, M.D.

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. RANGEL. Mr. Speaker, I am privileged to pay tribute to Dr. Dean Ornish, a man who has dedicated his career to building healthier lives. Dr. Ornish is considered by many as the leading authority on the effects of diet and lifestyle on health and well-being. His groundbreaking research has resulted in the discovery that comprehensive changes in diet and lifestyle can reverse even severe coronary heart disease without drugs and surgery. Dr. Ornish has produced valuable research that can empower individuals and build healthier communities. He is a talented, dedicated researcher whose work must not go unappreciated or unnoticed.

Dr. Ornish is the founder, president and director of the non-profit Preventive Medicine Research Institute in Sausalito, California, where he holds the Bucksbaum Chair. He is Clinical Professor of Medicine at the University of California, San Francisco, and a founder of the Center for Integrative Medicine at the university. Dr. Ornish received an M.D. from Baylor College of Medicine, was a clinical fellow in medicine at Harvard Medical School and completed his internship and residency in internal medicine at the Massachusetts General Hospital in Boston.

Dr. Ornish is the author of five best-selling books, including New York Times bestsellers: Dr. Dean Ornish's Program for Reversing Heart Disease; Eat More, Weigh Less; and Love & Survival. His research and writings have been published in the Journal of the American Medical Association, The Lancet, Circulation, The New England Journal of Medicine, the American Journal of Cardiology, and elsewhere. A one-hour documentary of his work was broadcast on NOVA, the PBS science series, and was featured on Bill Moyers' PBS series, ''Healing & The Mind.'' His work has been featured in virtually all major media; he was on the cover of the March 16, 1998, issue of Newsweek magazine.

Dr. Ornish has received several awards, including the 1996 Beckmann Medal from the German Society for Prevention and Rehabilitation of Cardiovascular Diseases, the U.S. Army Surgeon General Medal, and the 1994 Outstanding Young Alumnus Award from the University of Texas, Austin. He is listed in the Dictionary of International Biography, Who's Who in America, and in Men of Achievement. He was recognized as one of the most interesting people of 1995 by People magazine and by LIFE Magazine as one of the 50 most influential members of his generation.

Mr. Speaker, I have great admiration for Dr. Dean Ornish. He is truly a remarkable individual whose outstanding research and effective programs have improved the overall quality of life for many people. His proven research on behavior modification has the potential to revolutionize the way modern medicine approaches heart disease. Dr. Ornish's promotion of healthy hearts and healthy lives is an inspiration for all Americans.

## HONORING WILLIE AND VERONICA ARTIS

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. KILDEE. Mr. Speaker, I am very honored to rise before you today to acknowledge the achievements and contributions to the Flint, Michigan community of a wonderful couple who have cultivated a successful business partnership, as well as a life partnership. On Tuesday, October 19, members of the Charles Stewart Mott Community College Foundation will gather and, in the spirit of Minority Business Month, will honor Mr. and Mrs. Willie and Veronica Artis of Genesee Packaging, Inc.

It was in 1979 that Willie Artis and Buel Jones founded Genesee Packaging. Using an opportunity granted from minority business programs sponsored by General Motors, Artis and Jones ventured into business together and reached over one million dollars in revenue within the first year. In the 1980's, once again due to the benefit of General Motors, the company expanded with Genesee Corrugated, Inc. Now, instead of creating the packaging, they were manufacturing the materials to create the packaging as well.

Following the retirement of Buel Jones, Willie Artis began overseeing daily operations of the companies. The companies, which eventually merged, served to be profitable, not only to its owners, but to the community as well. Currently, Genesee Packaging employs nearly 300 people in three plants throughout the Flint area. The company constantly serves as one the city's strongest economic resources.

As Willie Artis can claim to over 28 years of experience in the packaging field, his wife, Veronica can claim an equal amount of experience in the business administration field. After obtaining an education from such schools as the University of Wisconsin, Dartmouth, and Harvard, Veronica began a noted work history with Ameritech, holding positions including District Training Coordinator, Personnel Manger, Marketing Manager, and Purchasing Manager. Veronica joined Genesee Packaging in 1989 as Vice President of Administration, and currently sits on the company's Executive Staff.

Mr. Speaker, not only will the Mott College Foundation celebrate the contributions of Mr. and Mrs. Artis, but, to further establish the impact they make on Flint residents, the evening will also mark the creation of a scholarship in their name. I am pleased to be witness to all they have done on a corporate level, and what they have done in serving as positive role models for young people. I ask my colleagues in the 106th Congress to join me in congratulating Willie and Veronica Artis. Together they have made our community a better place.

## TRIBUTE TO CENTRAL BAPTIST CHURCH

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. COSTELLO. Mr. Speaker, I rise today in honor of the 100th Anniversary of the Central Baptist Church in Willisville, Illinois.

As this millennium is nearing an end, I ask my colleagues to join me in honoring the history of small towns and cities which have committed themselves to their communities. Many churches and religious institutions have been the source of providing American citizens with comfort and strength during troubled times. In my congressional district, one church in particular has provided this type of example. For

the past one-hundred years, community members of Willisville, Illinois and other neighboring communities have been gathering to worship and honor their religion in what is known as the first Free Baptist Church in Illinois.

The history of the church is instructive. At the request of A.J. Rendleman of Campbell Hill, Illinois, the first formal meeting to establish the Free Baptist church was convened on Sunday, July 30th 1899 at precisely 3:30 p.m. Soon after on October 24th, the first Free Baptist Church was formed. Today, this church is a reminder of the dedication and the desire to reach a higher goal. One hundred years after the first official sermon, we find ourselves honoring an institution that has withstood diversity as well as achieved a great sense of unity within the community.

While the Central Baptist Church has not witnessed significant change in the past 100 years, the building itself was rebuilt in 1917 due to a tornado that destroyed the old structure. The bell that used to hang from the church, now sits in front of the building. The name was changed from the Freewill Baptist Church to Central Baptist Church, but its ideals have remained the same. Members gather for Bible studies mid-week, an annual Baptist camp in conjunction with the Southern Illinois University, and many other youth camp activities. On Saturday, October 20th, 1999, church officials and other members of the community plan to bury a time capsule in tribute to the history of the church, as well as to promote future years of prominence.

Mr. Speaker, I am pleased to honor the Central Baptist Church and wish it continued success as it enters another century and continues to provide the citizens of Willisville with spiritual growth, unit and guidance.

## THE 100TH ANNIVERSARY OF THE ITALIAN CEMETERY AND MAUSOLEUM OF COLMA, CALIFORNIA

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of my colleagues the 100th Anniversary of the Italian Cemetery and Mausoleum of Colma, California. This institution has made a significant contribution to the Italian-American community of the Bay Area, and I want to recognize the institution and pay tribute on this centennial observance.

The Italian Cemetery serves as dignified resting place for Italian-Americans. To date, some 50,000 individuals have been laid to rest in this beautiful location, and many of these are prominent Italian Americans who have played a leading role in the growth and progress of our area.

Mr. Speaker, the Italian Cemetery is not only a distinguished burial ground, but it is also a place of beauty to which the entire Bay Area looks with pride. The cemetery contains some of the most beautiful and architecturally acclaimed mausoleums that have been built throughout our entire nation.

The Italian Cemetery was first used in 1899, one year after it was established by La Societa Italiana Di Mutua Beneficenza, the oldest continuous Italian organization in the United States. After more than 75 years of service to the community, the Italian Cemetery became a nonprofit corporation, with the goal of maintaining the cemetery for future generations.

The Italian Cemetery's service to the Italian community of California is commendable and deserves our recognition and commendation. I would like to invite my colleagues to join me in congratulating the Italian Cemetery and Mausoleum on its 100th anniversary.

## COMMEMORATION OF ROBERT H. GODDARD'S ''ANNIVERSARY DAY''

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. MCGOVERN. Mr. Speaker, I rise today in commemoration of Robert H. Goddard's self-proclaimed ''Anniversary Day.'' Robert Hutchings Goddard, referred to as the ''Father of Modern Rocketry,'' was born in Worcester, Massachusetts, in 1882, graduated from South High School in 1904, and attended Worcester Polytechnic Institute in 1908.

In 1911, Goddard received his doctorate at Clark University and subsequently became a professor of physics there. Through experimentation, Goddard discovered that liquid fuel was more efficient than solid fuel. Soon thereafter, in 1926 he successfully launched the world's first liquid fuel rocket in Auburn, Massachusetts, a feat comparable in history to that of the Wright brothers' flight at Kitty Hawk. Goddard is also credited with learning how to control rocket flight, and equipping rockets with parachutes so that they could land safely.

October 19, 1999 marks the 100th anniversary of an event that gave purpose to Goddard's life. On October 19, 1899, at the age of 17, he climbed a cherry tree in his Worcester backyard and experienced a vision of space travel that would consume him for the rest of his life. This resolve was noted in his diary each year thereafter as ''Anniversary Day,'' in memory of the day that focused his purpose in life.

Mr. Goddard, himself, was quoted as saying ''the dream of yesterday is the hope of today and the reality of tomorrow.'' I urge all my colleagues to join me in recognizing this ideal, and Robert H. Goddard as the ''Father of Modern Rocketry.''

## COMMENDING THE NOAA CORPS

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mrs. MORELLA. Mr. Speaker, I rise today to recognize and honor the recent activities of the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA Corps). Also known as ''America's Seventh Service,'' the NOAA Corps is composed of a cadre of about 250 commissioned officers. Officers of the Corps have served our nation for decades with their unique scientific and engineering skills.

The dedicated scientists, engineers, and officers of the NOAA Corps serve with expertise and dedication throughout the nation, and in remote locations around the world. For example, NOAA Corps pilots fly hurricane research aircraft, providing critical weather prediction information. Recently, the NOAA corps flew repeated missions into the eye of Hurricane Floyd as it battered the Mid-Atlantic Coast. These officers gathered data which was critical to predicting the strength and path of the destructive hurricane. NOAA Corps aviators fly many of these missions each and every hurricane season.

Following the tragic disappearance of the aircraft piloted by John F. Kennedy, Jr., the NOAA Corps provided critical support in the search and recovery efforts. From July 17th through July 23rd, the officers and crew of the NOAA Ship RUDE worked around the clock to assist in the mission to recover the downed plane. With its side-scan sonar capability, the NOAA Corps ship was instrumental in locating the wreckage of the aircraft.

In recent months, the NOAA Corps has participated in the Sustainable Seas Expedition (SSE) project. From April through mid-September, the NOAA Ships *McArthur* and *Ferrel* served in a cooperative program with National Geographic to study NOAA's National Marine Sanctuaries in the Pacific and Atlantic Oceans, and in the Gulf of Mexico. The purpose of the SSE is to explore, document, and provide critical scientific data on America's coastal waters, and to develop a strategy for the conservation and restoration of the nation's marine resources. NOAA's ships will participate in the five-year project, using new technologies to pioneer deep exploration of the extensive marine sanctuaries.

Mr. Speaker, I urge my colleagues to join me in commending the hard-working men and women of the NOAA Corps for their superb leadership and dedicated service to the nation.

## EXPATRIATE LEGISLATION

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. RANGEL. Mr. Speaker, today Congressman BOB MATSUI and I are introducing legislation to prevent tax avoidance through the device of renouncing one's allegiance to this country. I am pleased that my colleagues Messrs. GEPHARDT, BONIOR, STARK, COYNE, LEVIN, MCDERMOTT, KLECZKA, LEWIS of Georgia, NEAL, MCNULTY, DOGGETT, TIERNEY, FRANK of Massachusetts, BROWN of Ohio, LUTHER, and VENTO are joining us as cosponsors of this legislation.

I understand that our motives for introducing this legislation will be attacked. Therefore, I want to leave no question about why we demand an effective response to the tax avoidance potential of expatriation.

Citizenship in this country confers extraordinary benefits. Our citizens are able to enjoy the full range of political and economic freedoms that our government ensures. With the benefits of citizenship comes the responsibility to contribute to the common good.

This country is fortunate in that it can depend on the voluntary compliance of its citizens to collect its taxes. In that respect, we are unique in the world. The willingness of our citizens to continue voluntarily to comply with

our tax laws is threatened when very wealthy individuals can avoid their responsibility as citizens by turning their backs on this country and walking away with enormous wealth.

I reject any suggestion that our bill is a form of class warfare or motivated by class envy. It is true that our bill will affect only very wealthy individuals. Only very wealthy individuals have the resources necessary to live securely outside the borders of this country as expatriates. Closing a loophole that only the extraordinarily wealthy can utilize is not class warfare. It is a matter of fundamental fairness to the rest of our citizens.

Opponents of effective reform in this area have gone so far as to suggest that those reforms would be inconsistent with our nation's historic commitment to human rights. I strongly disagree. The individuals affected by the bill are not renouncing their American citizenship because of any fundamental disagreement with our political or economic system. These individuals simply refuse to contribute to the common good in a country where the political and economic system has benefited them enormously. Some opponents have gone so far as to compare the plight of these wealthy expatriates to the plight of the persecuted Jews attempting to flee Russia. That argument is worthy of contempt. Our bill imposes no barrier to departure. Indeed, most expatriates have physically departed from this country before they renounce their citizenship.

For reasons that continue to puzzle me, there was bitter partisan dispute in 1995 over this issue. The partisan nature of that debate obscured the fact that there was a genuine bipartisan consensus that tax avoidance by renouncing one's American citizenship should not be tolerated.

The dispute during 1995 involved an argument over the appropriate mechanism to be used to address tax-motivated expatriation. The Clinton Administration, the Senate on a bipartisan basis, and the House Democrats all supported legislation that would have imposed an immediate tax on the unrealized appreciation in the value of the expatriate's assets. The House Republicans supported a provision that imposed a tax on the U.S. source income of the expatriate for the 10-year period following expatriation. Armed with revenue estimates from the Joint Committee on Taxation that showed their version as raising more money, the House Republicans prevailed and, in 1996, enacted their version of the expatriation legislation.

A recent article in Forbes Magazine summarized the effect of the 1996 legislation as follows: ''It ain't workin'.'' Although the law appears to be draconian on its face, there are plenty of loopholes. In the first quarter of 1999 alone, a grandson of J. Paul Getty; a son of the shipping magnate Jacob Stolt-Nielsen; and Joseph J. Bogdanovich, the son of the Star-Kist mogul, took advantage of those loopholes. The article suggests that many other expatriates deliberately have lost citizenship without formally renouncing it, believing that was a simple way to avoid the 1996 Act.

The 1996 legislation made several modifications to ineffective prior law expatriation provisions. It eliminated the requirement to show a tax-avoidance motive in most cases and eliminated one simple method of avoiding the rules, involving transfers of U.S. assets to foreign corporations. There were many other ways of avoiding those rules such as delaying gains, monetizing assets without recognition of gains, and investing indirectly through derivatives. Those techniques were left untouched.

The 1996 legislation made no serious attempt to prevent the avoidance of the estate and gift taxes, even though expatriation has been described as the ultimate technique in avoiding estate and gift taxes. Bill Gates, one of the wealthiest individuals in the world, has approximately $90 billion in assets. If he were to die or transfer those assets to his children by gift, the potential liability would be substantial. If Bill Gates were to expatriate, he could immediately make unlimited gifts in cash to his children without any gift tax liability. If he expatriated ten years before he died, his entire $90 billion stake in Microsoft could be transferred to his heirs with no income tax or estate tax ever being imposed on that accumulation of wealth.

Chairman ARCHER recently sent a letter to the staff of the Joint Committee on Taxation requesting a study and report on the 1996 expatriation legislation. I welcome that letter as an implicit recognition that the Congress should return to the issue of tax motivated expatriation. However, I believe the time for study has passed. In 1995, the Joint Committee on Taxation issued an unprecedented 140-page report on this issue. The Chief of Staff of the Joint Committee on Taxation testified at length on this issue in several congressional hearings. Further studies now only will be used as an excuse for delaying action on this issue. That delay will provide a window of opportunity for those considering tax motivated expatriation. It is time for the Members of Congress, not their staff, to make decisions and take action on this issue.

Following is a brief summary of my bill.

SUMMARY OF BILL

The bill would impose a tax on the unrealized appreciation in the value of an expatriate's assets. The amount of that tax would be determined as if the expatriate has sold his assets for their fair market value on the date that he expatriates. To the extent that those assets are capital assets, the preferential capital gains tax rates would apply.

The bill exempts the first $600,000 ($1.2 million for a married couple) of appreciation from the tax. It also exempts U.S. real property interests and interests in retirement plans.

The expatriate would be provided an election to defer the tax with interest until the property is sold.

The bill would eliminate the ability to avoid estate and gift taxes through expatriation by imposing a tax on the receipt by U.S. citizens of gifts or bequests from expatriates. The new tax would not apply in circumstances where the gift or bequest was otherwise subject to U.S. estate or gift taxes. In addition, the new tax would be reduced by any foreign estate or gift tax paid on the gift or bequest.

The bill would eliminate the ability to expatriate on an informal basis. It would require a formal renunciation of citizenship before an individual could avoid tax as a U.S. citizen.

Generally, the bill would apply to individuals formally renouncing their citizenship after the date of action by the Committee on Ways and Means. The provisions designed to prevent avoidance of estate and gift taxes would apply to gifts and bequests received after such date.

## TRIBUTE TO LES HODGSON

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. ORTIZ. Mr. Speaker, I rise today to commend Les Hodgson, of Brownsville, Texas, who won an award from the National Oceanic and Atmospheric Administration (NOAA) on September 27 and will be in Washington, DC, tomorrow to receive his award.

Les Hodgson is being noted for his volunteer work to save the Kemp's Ridley sea turtles. Les was named Volunteer of the Year as a recipient of the 1999 Walter B. Jones Memorial and NOAA Excellence Awards for Coastal and Ocean Resource Management. Walter Jones was a colleague of ours here in the House, and he chaired the Merchant Marine and Fisheries Committee in the early 1990s when I was a member. I am very proud of Les for the very important environmental work he does in volunteering to help save Kemp's Ridley sea turtles.

Les is a widely-respected and hard working man. Camping with his dad when he was young instilled a healthy respect for the environment that surrounds us. As co-owner of a shrimping business, his volunteer work to save the Kemp's Ridley sea turtles is very unique. He spends his own time and money patrolling the South Texas beaches to find turtle nests during nesting seasons. Additionally, he has used his relationship with other organizations, such as the National Fisheries Institute (NFI), of which he is past president and the Texas Shrimp Association, to successfully supplement support for these conservation efforts.

In 1996, Les helped Ocean Trust, a nonprofit research and education foundation that protects ocean resources, get access to the turtle camps to produce a film on the Kemp's Ridley. In 1997, he began building a camp at Tepehaujes, the 2nd-largest nesting beach north of Rancho Nuevo. He persuaded the NFI Shrimp Council to donate $30,000; Les himself purchased building materials and donated labor from his company, and organized the volunteers.

When the camp was dedicated, Les stood in the back, crediting the people he persuaded to help make this a reality. When Ocean Trust named him The Outstanding Steward in Marine Conservation in Los Angeles, typically, Les was unable to personally accept the award since he was leading a group of turtle project officials to Mexico. Les is indeed the man for this high honor.

I ask my colleagues to join me today in recognizing the everyday excellence in our communities who labor to leave this world in a better shape than when we began. Please join me in commending Les Hodgson for his unselfish efforts to better the environment.

## SALUTING PATIENT APPRECIATION DAY

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. KILDEE. Mr. Speaker, I rise today to join with the Genesee County Medical Society

in paying tribute to patients around the country. The Genesee County Medical Society, a dedicated group of doctors in my district, recently passed a resolution designating the third Tuesday of October ''Patient Appreciation Day.'' I applaud their desire to reciprocate the appreciation patients have for doctors and I join them in calling on other doctors to take a moment to recognize their patients.

When patients go to visit their doctors, they are generally sick and vulnerable. It is comforting for all of us who have been patients to know that the trust and respect that patients have for doctors goes both ways. As medical technology evolves, it is particularly reassuring to know that doctors appreciate the human element of care as much as we do.

On this Patient Appreciation Day, I hope you will join me and the Genesee County Medical Society in paying respect to the deep doctor-patient bond.

## HONONORING THE PRIME MINISTER OF ARMENIA, VASKEN SARKISSIAN AND DZOVINAR SARKISSIAN

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor His Excellency Vasken Sarkissian, the Prime Minister of Armenia. Mr. Sarkissian visited the United States Capitol earlier this month on the occasion of the birth of his niece, Dzovinar Sarkissian, on October 11, 1999.

I want to congratulate the proud parents of Aram Sarkissian and his wife Arine, along with grandparents, Zavena and Gretta Sarkissian.

Prime Minister Sarkissian is the former Defense Minister of Armenia.

Mr. Speaker, I want to congratulate Aram and Arine Sarkissian for the arrival of their child Dzovinar Sarkissian and I thank Prime Minister Vasken Sarkissian for making a visit to our nation's Capitol. I urge my colleagues to join me in wishing the Sarkissian family many more years of good health and success.

## KNOW YOUR CALLER ACT OF 1999

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to introduce a bill to prohibit telephone marketing companies, when making solicitation calls, from using any method to block or circumvent a recipient's caller identification service. The Know Your Caller Act of 1999 will provide much needed consumer protection for telephone subscribers who also pay for caller identification services. I urge my colleagues to join me in cosponsoring this bill.

At all times of the day, but especially after work, during dinner, inevitably the telephone rings and our activities are interrupted to answer the telephone to hear an unsolicited telemarketer trying to sell you some product. You may politely explain you are not interested and ask the person to please identify on whose behalf they are soliciting so you can request to be placed on their do-not-call list and the next thing you know the person hangs up the telephone and you are unable to identify which company has invaded the sanctity of your home. To combat and filter out these ''nuisance calls'' and tactics people pay a monthly fee to subscribe to a caller identification service. It is a disgrace that some companies can block a subscriber's caller identification service.

I have received many letters from my constituents who have subscribed to a caller identification service and they are outraged that telephone solicitors can deliberately block their service. Let me quote one of my constituents ''I have been receiving numerous telephone calls from unidentified numbers. I have caller identification service on my private telephone line, but the calling numbers are not displayed. I think it is intolerable and it constitutes a flagrant violation of my rights. I pay for a telephone line and caller identification service to avoid the hassles of telemarketing solicitations, but I do not feel I am getting my money's worth.''

Mr. Speaker, in closing, this legislation would provide much needed consumer protection from telemarketing solicitors who block caller identification devices. People with a caller identification service should be able to identify telephone solicitors and have the ability to telephone them back to request to be put on their do-not call list. This bill would require telephone solicitors to display their name and a working telephone number on caller identification devices and prohibit the use of any method to block or alter such a display.

## THE BAYS CASE

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. PAYNE. Mr. Speaker, I rise today to bring an issue to this House's attention. I would like to make public an article on the BAYS case. To the consternation of Argentine officials, the Buenos Aires Yoga School (BAYS) affair is assuming a rising profile on the sparsely populated plains of U.S.-Argentine relations. More than 50 Democratic and Republican House members have now sent letters to President Menem asking him to halt in the persecuting of the literary and social organization. The 300-strong group, which includes some illustrious intellectuals, has shrunk from a peak membership of 1,000 due to the unremitting harassment it has suffered at the hands of the authorities.

For six years, the case has been enmeshed in Argentina's stygian court system, which has been classified by several international business groups as being among the world's most corrupt. Six years ago, when the case first broke, the local press saw BAYS as an Argentine version of Jonestown, even though not a single reporter bothered to closely investigate any of the specious charges lodged against it. Argentina's journalists now see this as a potboiler performance which many have come to regret. After a first wave of tabloid journalism faded, a code of silence descended on the case until recently, when several young BAYS members, with no budget, came to Washington and proceeded to work Congress in search of the justice they were denied in their native country. President Clinton has now written two letters on the case, expressing his concern over the apparent malfunctioning of proper legal procedures. He has also asked that the U.S. embassy in Buenos Aires ''encourage Argentine authorities to respond fully to congressional correspondence on this matter.''

BEWITCHED AND BEWILDERED

The BAYS case was originally presided over by Judge Mariano Bergés from December 1993 until November 1995 when, after a short interregnum, it was taken over by Judge Julio Cesar Corvalán de la Colina. As a result of these excesses, Bergés was brought before the Argentine Congress' Impeachment Committee on charges of non-professional behavior involving 138 irregularities and several serious crimes regarding BAYS alone. Radical Party members on the committee supported Bergés, which startled many observers wary of the Party's corruption problems stemming from the Alfonsin-led Radical government of the 1980s. But, in spite of its delegation's stance, the entire Impeachment committee moved to indict Bergés for abuse of power and failure in his public duties. He insisted that BAYS had ''cast a spell on him,'' and then withdrew from the case. Although no ultimate action was taken, the case eventually was handed over to Corvalán, who now presides.

DR. CORVALÁN, PSYCHIATRIST

Instead of applying responsible jurisprudence in the BAYS case, Judge Corvalán grossly compounded his predecessor's malfeasance. Engaging in flagrant misuse of his powers, Corvalán emulated the worst practices of the Stalinist era by condemning BAYS members on grounds of poor mental health, without considering due process. Corvalán, who was appointed to the bench under the Argentine military junta (and maintained his position due to Alfonsin's intervention), declared the two BAYS members ''mentally incompetent,'' and awarded legal custody over them to their long-estranged mothers. His ruling was upheld by an Appellate Court, even though the psychological exams of the BAYS defendants were administered by a court-appointed forensic team, and showed them of sound mind. These mental health specialists also established that one defendant has been sexually abused by her family. If this wasn't Argentina—a country featuring daily scandals—it would be inconceivable that a judge, ignoring expert testimony and with no concrete evidence, would award custody of a 27-year old woman to the very person who she previously had charged with sexual depravity. After being armed with such powers, the mother promptly filed a bondage suit against BAYS in the name of her daughter. After a recent mission to Argentina by the Council on Hemisphere Affairs, the members expressed their concern in a letter to President Clinton: ''The Delegation found many legal and judicial irregularities. . . .'' Argentine human rights organizations have begun to denounce the anti-BAYS actions committed by judicial officials.

Nobel laureate, Adolfo Perez Esquivel found that Corvalán's ruling on BAYS ''begs to be investigated,'' and the famed Mothers of Plaza de Mayo concluded that he had violated Article 16 of the International Treaty on Civil and Political Rights. The Grandmothers of the Plaza de Mayo maintained that Corvalán's actions ''are similar to those committed against

citizens during Argentina's dirty war. . . .'' Corvalán's removal from the BAYS case has been requested before the Council of Magistrates, a new institution that evaluates judicial impropriety and instances of corruption. The case is now being heard by its ''Accusation Commission,'' headed by Radical Representative Cruchaga. Thus, the case was destined to be dismissed, but due to the persistence of Council member Miguel Angel Picchetto, who argued that the charges against Corvalán must be heard, Cruchaga announced that because of the ''international interest'' in the case, a hearing would be held. The petition for relief filed by the BAYS defendants has been warmly supported by, among others, the distinguished physicist and human rights figure Dr. Federico Westerkamp, the Argentine League for the Rights of Man, and members of the Argentine House Human Rights Commission.

The proceedings against Corvalán are attracting wide dissemination because challenging the judge's multiple transgressions is seen as an important milestone in Argentina's laborious struggle to earn the emblems of an authentic democracy and to somehow neutralize judicial and political corruption.

## HONORING THE TOWN OF GRAFTON

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. McGOVERN. Mr. Speaker, it is my great pleasure today to rise to honor the heroism of the people of the Town of Grafton in the wake of the Fisherville Mill fire that struck the town on the night of August 3, 1999.

The Fisherville Mill has always been a significant historic site. It was considered to be a fine example of late 19th century industrial architecture. A longtime site of textile production, Fisherville mill was one of three such mills in the area built during the first third of the nineteenth century. The mill remained vibrant through the nineteenth and into the twentieth century until the onset of the Great Depression.

However, in recent years the mill, which once employed 700 workers, became slated for EPA clean up due to chemical pollution. And even after the fire, the Central Massachusetts Economic Development Authority, which currently owns the site, plans to pursue clean-up efforts at the site.

As many as 250 firefighters and over 100 support personnel responded to the scene, including crews from Ashland, Auburn, Foxboro, Holliston, Hopedale, Hopkinton, Leicester, Marlboro, Mendon, Milford, Millbury, Millville, Northbridge, Oxford, Sherborn, Shrewsbury, Southbridge, Sutton, Upton, Uxbridge, Westboro, and Worcester as well as the State Forestry Department and a crew from Providence, RI. Together they courageously worked along side their brothers from Grafton to subdue the blaze, the likes of which Grafton has never before seen and hopefully never will again.

Mr. Speaker, we often see communities come together in the wake of great disasters. However, seldom have I seen such an outpouring of support as I have in the town of Grafton. If it had not been for the valiant efforts of fire fighters from around the Commonwealth quite possibly the entire town may have burned to the ground. It is therefore my great honor to recognize the bravery and courage of everyone in Grafton—firefighters, police, community and business leaders, as well as ordinary citizens for their response which should make all of us proud.

## HONORING GAIL FREEMAN

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to pay tribute to Mrs. Gail Freeman, the Illustrious Commandress of Oman Court No. 132. The Daughters of Isis, Ancient and Accepted Free Masons, based in Flint, Michigan, will honor Mrs. Freeman at their annual Commandress Ball on October 23, 1999.

Gail Freeman began her education at Jefferson Elementary School in Detroit, and after moving to Flint, attended Bryant Junior High School, and eventually graduated from Flint Northwestern High School. She attended Baker School of Business and Charles Stewart Mott Community College, where she constantly sought courses designed to enhance her position and ability in the business field.

Gail soon began a career with Michigan Bell, now known as Ameritech, one that spanned over 26 years. During this time, she has held positions such as Supervisor of Building Services, Clerk to the Public Relations Manager, and Network Services Representative. She currently holds a position as a Customer Service Representative for the Customer Care center in Ameritech's Saginaw office. She also works as a realtor for ERA Real Estate, where she has distinguished herself as a member of the company's Million Dollar Club, for her outstanding sales. She has been recognized for stellar achievement in both of her occupations.

As a member of Oman Court No. 132, Gail has a long history of leadership, leading up to her current position as Illustrious Commandress. She has served as Grand Loyal Lady Ruler of the Michigan State Grand Assembly, and has served as their treasurer for the last nine years. Outside of the group, Gail continues her role of community leader. She has served as a Girl Scout Troop Leader, president of the Merill Elementary School Parent Teacher Council, and works with local ''Adopt A Child'' programs. She also finds time to volunteer and work with the sick and shut-in.

Mr. Speaker, I ask you and my fellow Members of Congress to join me in honoring the Illustrious Commandress, Mrs. Gail Freeman. Her devotion to making this nation a better place to live should reinforce our strong commitment to our communities. We own a debt of gratitude to Gail, her husband James, and their two daughters.

## HONORING ROBERT AND DOROTHY HAKENHOLZ ON THE OCCASION OF THEIR 60TH ANNIVERSARY

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. MOORE. Mr. Speaker, I rise to honor two longtime residents of Overland Park, Kansas, Robert and Dorothy Hakenholz, who have dedicated their lives to God, country and family. Robert and Dorothy recently celebrated their 60th wedding anniversary with their two daughters and their families from Iowa and Oklahoma.

Dorothy and Robert, or ''Bob'' as he is known to family and friends, were married on September 23rd, 1939, in Sioux City, Iowa. Bob began working for Standard Oil in 1934. The former Dorothy Lindberg worked outside the home as a telephone operator during the early years of their marriage.

In 1944, Bob left his young family to serve on the U.S.S. LST 896 during World War II where he served as Motor Machinist's Mate, Third Class. Meanwhile, Dorothy kept up with her work at the telephone company and raised her young daughter Carol with the help of her mother. After surviving, with his shipmates, two typhoons near Okinawa, Bob was discharged at the end of the war.

Happily reunited, Bob and Dorothy continued to raise Carol, and soon welcomed a second daughter, Janet, to the world. Bob's work with Standard oil eventually moved the family from Iowa to Overland Park in 1962 where he worked until his retirement in 1977. Both Bob and Dorothy proceeded to serve in retirement as community volunteers. Bob also worked as a manager of field personnel during the 1980 United States Census.

Bob and Dorothy are proud grandparents of four grown grandchildren, continue to live in Overland Park, Kansas, and remain active members of Faith Lutheran Church in Prairie Village, Kansas. Bob also remains committed to working on his golf handicap.

Mr. Speaker, please join me in congratulating Bob and Dorothy on a remarkable 60 years of marriage.

## MAINTAIN UNITED STATES TRADE [MUST] LAW RESOLUTION

### HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. EVANS. Mr. Speaker, I have joined 200 of my colleagues as cosponsor of the Maintain United States Trade [MUST] Law Resolution. This bill is about more than steel. It is about the over 290 products from 59 different countries that are being dumped on open markets.

All American products, such as steel, agricultural goods and manufacturing items are currently protected under the antidumping and countervailing duties laws. However, some countries would like to open debate on these laws. Opening these rules to renegotiation could only lead to weakening them, which would in turn lead to even greater abuse of the world's open markets, particularly that of the United States.

When the World Trade Organization's Ministerial Conference meets Seattle on November 30 through December 3, a new round of trade negotiations will be held. The MUST resolution will request that the President and his trade representatives refrain from renegotiating international agreements governing antidumping and countervailing measures.

The President must not participate in any international negotiation in which antidumping or antisubsidy rules are part of the negotiating agenda. He should also not submit for congressional approval agreements that require changes to the current antidumping and countervailing duty laws and enforcement policies of the United States. Above all, he must enforce antidumping and countervailing duty laws vigorously in all pending and future cases.

The MUST resolution has wide bipartisan support from Members from 37 States from every region of the country. Already, successful antidumping cases have been filed on behalf of producers of industrial goods, chemicals, pharmaceuticals, advanced technology products, agricultural goods, and the American steel industry.

No longer can we stand idly by as more and more workers face unemployment lines and uncertain futures. Foreign governments are shielding their industries from the fallout of the Asian financial crisis—it is time we stood up for our own. We must fight for American jobs. I urge the House leadership to bring the Maintain United States Trade [MUST] Law Resolution to the floor as soon as possible.

## PERSONAL EXPLANATION

### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. KENNEDY of Rhode Island. Mr. Speaker, due to a delay in getting to the House floor, I missed House rollcall vote No. 494, on agreeing to the conference on the FY 2000 defense appropriations. Had I been present, I would have voted ''yes.''

## COMMEMORATING THE OPENING OF SHORELINE BANK

### HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. INSLEE. Mr. Speaker, I rise today on behalf of Shoreline Bank in Shoreline, Washington. On Friday, October 15th, I was honored to attend a ribbon cutting celebration to commemorate the opening of Shoreline Bank. This bank is truly the symbol of a vibrant, thriving community because when individuals recognized the need for a new bank, they came together to form Shoreline Bank. Shoreline Bank will serve local customers and businesses to help provide economic growth within the neighborhood.

Community banks, like Shoreline Bank, are the lifeblood of our communities. Just as local grocers know the buying habits of their regular customers, community banks understand the financial needs of their community. I am proud to have this community-based financial institution in the 1st Congressional District. I am sure that they will be a beneficial addition to the city of Shoreline.

I invite my colleagues to join me in saying: Welcome to the neighborhood, Shoreline Bank.

## HONORING THE 75TH ANNIVERSARY OF THE J.E. DUNN CONSTRUCTION COMPANY

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Ms. MCCARTHY of Missouri. Mr. Speaker, today I take great pride in recognizing the J.E. Dunn Construction Company. This year they celebrate 75 years of excellence as one of Kansas City's most established and respected builders.

In 1924, John Ernest Dunn founded the family owned business of constructing residential homes in our community. Today, the third generation of Dunns lead the company in its numerous high profile projects and generous civic contributions. For 75 years, the Dunns have etched the Kansas City skyline, and built a reputation of integrity and concern for the people in our region. This anniversary marks their outstanding dedication to building relationships and developing our community.

J.E. Dunn Construction Company is made up of construction companies in Oregon, Colorado, Minnesota, Texas, and Missouri. In our own greater metropolitan area the Dunns have been instrumental in the building of the Stowers Institute for Cancer Research, the renovation of the historic Muelbach Hotel and Union Station, and the impressive coiled design of the Reorganized Church of Latter Day Saints Temple in Independence. In addition to these projects, the Dunns employ over a thousand people in Kansas City who have worked on the International Sprint Campus, the Charles Evans Whittaker Federal Courthouse where my Fifth District Office is located, and a number of hospitals including Children's Mercy, the Lee's Summit Hospital, and Saint Luke's.

Beginning with John Ernest Dunn, the entire Dunn clan continues to practice the tradition of serving others. William H. Dunn, Sr., his sons, and scores of his extended family play important roles in the social development of our region. The Boy Scouts of America, the Kansas City Chamber or Commerce, and the Partnership for Children have benefitted from their involvement. The Dunn family participates on several boards and organizations like the United Way, the Salvation Army, the Nelson-Atkins Museum, Rockhurst University, and many other worthy causes.

In celebration of this significant mark, I am honored to recognize their efforts and legacy. Mr. Speaker, please join me in congratulating the Dunn family and the entire Dunn organization for 75 years of service to the community and fine craftsmanship left to signify the standard they have set.

## NATIONAL DAY FOR TAIWAN

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. THOMPSON of Mississippi. Mr. Speaker, I wish to take this occasion to extend my best wishes to the leaders in Taiwan on their National Day and my sympathies to all quake victims' families on their tragic losses. May President Lee Teng-hui and other leaders guide Taiwan through this difficult period. Much of the daily activities in Taiwan has been disrupted because of the quake; the loss of human lives and economic damages are so staggering that will take Taiwan years to fully recover from this catastrophe.

Despite all the hardships facing Taiwan today, I am confident that Taiwan will quickly recover its losses and rebuild an even stronger Nation, given Taiwanese resilience and industry.

## WILLIAM H. AVERY POST OFFICE

SPEECH OF

### HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 12, 1999*

Mr. TIAHRT. Mr. Speaker, I am pleased to be an original cosponsor of H.R. 2591, legislation designating the United States Post Office located on Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office.'' Let me commend Congressman MORAN for sponsoring this legislation which is an appropriate honor well deserved by the recipient.

Mr. Speaker, my wife Vicki and I have enjoyed our friendship with Governor Avery over the past several years, and we are both excited that this honor is being bestowed upon a great public servant and good friend who has always placed the people of the great State of Kansas first.

When I think about the tremendous reputation Governor Avery still enjoys, I think about the moniker given to a past politician: The Happy Warrior. You cannot talk to Bill without feeling his zest for life and his indomitable spirit. It is not unusual to see Governor Avery at an event in Kansas, shaking hands, kissing babies and talking about the latest Republican strategy. Sometimes a few of us in this esteemed Body get tired and frustrated. At those moments I think of Governor Avery, his quick smile, his knowing wink, his kind words, his all-encompassing heart. Always smiling, always moving, always hopeful of the future, but respectful of the past. Governor Avery is truly Kansas's Happy Warrior.

Mr. Speaker, I realize that at times the floor of the House can be partisan, and with your indulgence I am going to add to that partisan flame, just a bit. There is one memory I will always cherish, and it occurred in January 1995. I was a new Member of Congress, full of hope, a little overwhelmed, and flush anticipation of the job ahead.

I had some friends and family in my office and in came Governor Avery. He came up to me and shook my hand, and told me why he had traveled back to D.C. You see Governor Avery is also appropriately called Congressman Avery. He served in this House from

1955–1965. He related to me that when he won his election in 1954, he thought he would be entering a Republican Congress, but he soon learned that the Democrats had regained the majority. Congressman Avery was destined to serve all his tenure in the minority. He always felt a little jilted by history, and that is why he wanted to be on the floor of the U.S. House when the gavel passed. At that moment I realized how fortunate I really was to be entrusted with a job representing the Fourth Congressional District of Kansas, and I realized just how historic a shift in Congress can be.

Mr. Speaker, I hope Governor Avery is enjoying the beautiful Autumn evening back home in Wakefield, Kansas. I want to thank him for all his words of inspiration, his dedication and his enduring attitude. When the history of Kansas is written, it will be as kind to Governor Avery as he has been to anyone who has had the good fortune to know him.

Mr. Speaker, I am honored to be able to call Governor Avery my friend and to help recognize him this day for the many accomplishments he has provided the people of Kansas and this great country.

## PERSONAL EXPLANATION

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. FRELINGHUYSEN. Mr. Speaker, yesterday I was unavoidably detained during rollcall votes 505–508. Had I been present I would have voted ''yes'' on rollcall vote 505, 506, 507, and 508. I would ask that the RECORD reflect these votes.

## A TRIBUTE IN HONOR OF FRANK GARRISON

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. BARCIA. Mr. Speaker, I rise today to congratulate Mr. Frank Garrison, on the eve of his retirement as President of the Michigan State AFL–CIO. Frank is truly one of our finest public servants in Michigan, having first been elected AFL–CIO President in 1986. As all who have ever met Frank know, he is a man who has devoted his life to helping Michigan's working men and women improve their lives.

Frank was born in 1934 in a small town in Indiana. His family, like so many others, was destitute and jobless as a result of the Great Depression. And so it was with gratitude that they named Frank after one of our country's greatest presidents, Franklin Delano Roosevelt, who created the Works Progress Administration [WPA], which allowed Frank's father to work, and helped get the family back on its feet. Frank has said he has always taken great pride in his namesake. I believe that he has certainly lived his life, like his namesake, with the purpose of helping America's working families—a goal, Mr. Speaker, that I believe is one of the most honorable of all goals.

In the early 1950s, Frank came to Michigan to find a job. He found one at General Motor's Steering Gear plant in Saginaw, a city I am proud to represent today in Congress. Shortly thereafter, he joined UAW Local 699 and, in 1955, Frank married Ms. Dora Goodboo. Later, he was drafted into the Army, and served two years before returning to his job at the Saginaw Steering Gear plant in 1956.

Frank refers to the next event in his life as a true ''turning point''. A fellow UAW Local 699 member invited him to hear a speech by the legendary Walter Reuther. Frank says he was spellbound with Reuther's deep commitment to the labor movement, and that Reuther instilled in Frank a purpose: To help ordinary working people band together and improve their lives. From that moment on, Frank has certainly been committed to doing precisely that. He ran successfully for office in UAW Local 699, and later went on to serve as Alternate Committeeman, Committeeman, Shop Committeeman, Local Union Vice-President and Financial Secretary.

He went on to a variety of appointments and positions: UAW International Representative, Community Action Program (CAP) Coordinator for Region 1D, UAW lobbyist and Legislative Director, and Michigan CAP Director. He was appointed in 1982 as Executive Director of Michigan UAW–CAP, a position he held until his election as President of the Michigan State AFL–CIO in 1986, Frank went on to be one of the longest-serving presidents, and was reelected in 1987, 1991, and 1995.

Frank's contributions and work on behalf of Michigan's working men and women are legendary and real. They do indeed reflect Frank's great commitment to the labor movement and his belief that it is a tool to effect great change in this country. Michigan's working families will always be grateful for Frank Garrison's work, for he selflessly gave of himself to make their lives better. For that, Mr. Speaker, I say he is truly worthy of a name shared with our former President, Franklin Delano Roosevelt.

Frank has been blessed with a supportive and caring family—his wife Dora, their three daughters, seven grandchildren and great-grandchild. He has worked hard his entire life on behalf of others, and it is my hope that during his retirement, Frank will work just as hard to enjoy these years with his family and many friends. Mr. Speaker, I now invite you and our colleagues to offer your congratulations to Frank Garrison, and your most sincere wishes for a very happy and productive retirement.

## M.G. VALLEJO, FRIENDS AND ACQUAINTANCES

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Ms. SANCHEZ. Mr. Speaker, I insert the following for the RECORD:***HD***M.G. VALLEJO, Friends and Acquaintances

(By Galal Kernahan)

When the Senate and the House of Representatives approved an ''Act for the Admission of California into the Union'' on September 9, 1850, its ''Birth Certificate'' had been reviewed and found in order, whereas, the people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States.

1999 is American California's Constitutional Sesquicentennial. Forty-eight elected delegates met in Convention in Monterey and finished their work September 12, 1849. That work was approved in California-wide voting on December 13, 1849.

What follows is a glimpse of the human side of how this remarkable bilingual, multicultural state charter came into being. Chief source for the discussions and actions of the Monterey Convention one hundred and fifty years ago is an official 477-page account of what happened. Called ''Browne's Debates,'' it was published in English and in Spanish. It was bound in Washington, D.C., in 1850, in order to be properly presented together with the California Constitution to the U.S. President and appropriate officials.

The seal of the State of California is more than a little strange. It centers on a seated lady. At her feet a Grizzly bear munches grape clusters. Considering the relative scale of things, that is one huge woman! Grizzlies average 500–600 pounds and can top out at almost twice that. It looks like a dumpy dog compared to her.

Well California is vast. And as First Assistant Secretary Caleb Lyon explained to our 48 Constitutional Forefathers, Saturday, September 29, 1849, in Monterey's Colton Hall schoolhouse: ''She (the goddess Minerva . . . spring full grown from the brain of Jupiter) is introduced as a type of the political birth of the State of California . . .'' In other words, we jumped straight into being a State without spending any time in Aunt Sam's womb as a Territory.

And the bear? . . . emblematic of the peculiar characteristics of the country.''

Monterey-born Mariano Guadalupe Vallejo well knew those peculiar characteristics. Bears could be mean: bullying, armed, irregular ''Bear Flaggers,'' meaner. They locked him up and mistreated him. He facetiously suggested that, if the bear had to remain in the Seal, it should ''be represented as made fast by a lasso in the hands of a vaquero.'' The idea lost by five votes.

The convention was crawling with ambitious cub lawyers. They averaged from four months to a year or two in California. They were impressed with the symbolism—the miner with his rocker, ships on the waters, snow-clad peaks of the Sierra Nevada. ''Eureka'' (found it!) was a nifty motto too.

On Friday, October 12, 1849, after a traditional official thank-you to Chairman Robert Semple (like Vallejo, another 42-year-old from Sonoma), they trooped over to pay respects to California's Military Governor Brigadier General Bennett Riley. Before parting for San Joaquin, Los Angeles, San Luis Obispo, San Francisco, Sonoma, Sacramento, Santa Barbara, and San Jose, they partied away the night. Each chipped in $25 for an historic blow-out, a real two-violin-guitar fandango. A 31-gun cannon salute heralded what would be American's 31st State . . . eleven months later.

On leaving next day, Henry Hill and Miguel de Pedroena wondered if printed copies of California's ''Birth Certificate'' would reach their remote San Diego district before people voted. Not to worry. Ratification carried 12,872 to 811 on a rainy November 13, 1849.

The most important thing the Constitution proved is that CALIFORNIANS BUILD THEIR STATE TOGETHER. They have from the start.

That doesn't mean it was a September Song in rustic Monterey in 1849. Delegates connived, bickered, blathered, were or became friends . . . or enemies. California diversity—as it always can—made the Convention work well enough for good things to happen.

The issue of slavery was tearing the United States apart. Furies, that would explode in

Civil War more than a decade later, spun across a continent like dust devils. Patience of men, who differed, dwindled. Some brought short-fused tempers to California's backwater capital.

A twenty-six-year-old, Henry Tefft, born in Washington Country, N.Y., was a Wisconsin resident before he reached California three months shy of the Convention. He managed to be elected a delegate from San Luis Obispo. Attorney James McHall Jones, 25, was born in Scott County, Kentucky, and lived in Louisiana before he began a similarly brief residency here. He came representing San Joaquin.

Jones was sure Thefft insulted him in convoluted argument about voting apportionment, but the animosity ran deeper than that. It quickly escalated towards the point-of-honor stage that would make a duel unavoidable.

Others acted automatically to head off tragedy. While they raised parliamentary questions about who, if anyone, should apologize to whom, Latino delegates muddled things further by announcing, ''The question appears to be respecting certain English words, which we do not understand. We desire to be excused form voting.'' Tempers cooled. (An anti-dueling Constitutional provision passed later . . . delinked from the incident by a few days.)

At Monterey, the summed lives of seven Californios totaled 293 years. Add the twelve years' residency of Spain-born Miguel de Pedroena, and this aggregated to 305. The other 40 delegates had been logged 154 California years between them all. Five were foreign-born. John Sutter, 47, from Switzerland, operated the sawmill where the gold was discovered that started the rush. The remaining 35 grew up in States of the North and South. Regional hangups were reflected in their comments. Where would an extended Mason-Dixon line divide California? Or the Missouri Compromise boundary?

The Wilmot Proviso had been like a pole thrust in American wasps' nest. In 1846, before President James Polk warred with Mexico to take half its land, he bargained to buy it. Pennsylvania Representative David Wilmot tried to tie a string to money sought from Congress. He twice persuaded the Lower House to condition appropriation on the commitment that ''neither slavery nor involuntary servitude shall ever exist in any part of said territory.'' The U.S. Senate stalled the first try by adjourning before the bill could come before it; on the second, it passed its own message without any anti-slavery language.

In the 1848 Treaty of Peace, the U.S. paid $15 million for California and what became the American Southwest. Word of the stymied Proviso had ricocheted around the country by then with States and communities lining up for or against. It echoed in distant Monterey. While Utah and New Mexico became territories, California entered the Union as a Free State in 1850. It was thanks in part to another deal by ''Great Pacificator,'' Senator Henry Clay, the same legislator who pulled the Missouri Compromise out of a hat a quarter century earlier.

Colton Hall rhetoric was, by today's standards, gratingly racist. Though not without their defenders, African-Americans and Native Americans were trashed. There was nasty talk about Chileans, Native Hawaiians, and Australians drawn by the discovery of gold. In San Francisco, they risked being lynched.

Transplanted Northerners and Southerners at Monterey knew each others' arguments by heart. They said much but no longer heard much. Theirs were dialogues of the deaf. Californios nudged everyone a bit off balance. There was language. Debate on land tenancy took an idiotic turn for Vallejo when he misheard ''freeholders'' as frijoles (free-HO-les, beans). There was culture. Courtliness and gente-de-razon class consciousness seemed Southern, but their color-free views sounded downright Northern.

A Santa Barbara Californio explained, ''Many citizens of California have received from nature a very dark skin. Nevertheless, there are among them men who have heretofor been allowed to vote, and, not only that, but to fill the highest public offices. It would be very unjust to deprive them of the privileges of citizens merely because nature had not made them white . . .''

When is black-and-white not black and white? With 16 months in California, Virginia-born Monterey Delegate Charles T. Botts, 40, claimed, ''. . . no objection to color . . . I would be perfectly willing to use any word which would exclude the African and Indian races . . .''

A Californio gift to our Original Constitution makes a married woman's property her own. It seemed a novel, somewhat daring idea to transcontinental newcomers, but Convention Secretary Henry Wager Halleck, 32, reasoned thus: ''I am not wedded either to the common law or the civil law, nor as yet, to a woman; but having some hopes that some day or other I may be wedded . . . I shall advocate this section in the Constitution. I would call upon all the bachelors in this Convention to vote for it. I do not think we can offer a greater inducement for women of fortune to come to California . . .''

The Convention interpreter must have smiled. William Hartnell landed, a young English merchant, in sleepy Monterey in 1822. He married Teresa a De La Guerra daughter. Already multilingual, his Spanish became flawless. They had 18 children.

There was contention about the new State's boundaries. Some argued California encompassed everything just taken from Mexico and stretched to Montana and Colorado. Tennessee-born William Gwin, 44, was recently of Louisiana. Not yet three months on the Pacific Coast when he arrived at the Convention representing San Francisco, he predicted: ''I have no doubt the time will come when we will have twenty states this side of the Rocky Mountains. When the population comes, they will require that this state shall be divided.''

Some immediately visualized one-for-the-South and one-for-the-North and . . .

Jose Antonio Carrillo (at 53 the oldest man there) came to the Convention toying with the idea California might be split at San Luis Obispo to leave the southern part a Territory. He changed his mind. Now he remembered that, when he was alcalde (mayor) of Los Angeles, he had seen Spanish maps that bounded California with the Sierra Nevada line on the east.

About a fourth of the delegates made three-fourths of the speeches. Yet you can still sense the presence and influence of the not-so-talkative ones. With few exceptions, they prevailed on big issues.

1999 marks the Sesquicentennial of California's Original 1849 Constitution, our U.S. ticket of admission. Diversity worked. CALIFORNIANS BUILD THEIR STATE TOGETHER! Even greater diversity works today. It is our ticket to the world.

## HONORING JAMES EMERSON DENNIS

**HON. KEN BENTSEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. BENTSEN. Mr. Speaker, I rise to recognize Rev. James Emerson Dennis for his 66 years of service in the ministry. His endurance and tremendous strength over the years is a testimony to the success of his efforts addressing the needs of his congregations and community.

Rev. Dennis was seven years old when he accepted Christ and was baptized by his father at St. Paul Baptist Church. He was a young man of 24 when he was called to the Ministry, preaching his first sermon at Mt. Zion Baptist Church in Baileysville, Texas where Rev. R.A. Sharp presided as Pastor.

Rev. Dennis was married to the late Hester Lee Williams Dennis on September 27, 1931. He is the father of four children: Ann M. White of Sea Side, California, Mayme D. Gardner of Kenner, Louisiana; James E. Dennis of Lake View Terrace, California; and the late John Williams Dennis. In February of 1934, Rev Dennis was ordained at Harlem's Chapel, B.C. where he pastored eight years. Later he was called to Bethlehem Baptist Church in Hammond, Texas, where he pastored for four years.

Rev. Dennis' most enduring stint of service—an impressive 50 years—was spent preaching at Mt. Rose Baptist Church in Brenham, Texas. From September 4, 1946 to March 31, 1997 he ministered to generations of families and neighbors who benefitted from his wisdom and faith. During that half century of service, Rev. Dennis amassed a wealth of accomplishments for his community. The present Church Edifice Mt. Rose M.B.C., Brenham, Texas was built under his administration. He also founded and organized the Brenham Cemetery Association.

While Rev. Dennis' religious and spiritual obligations have always been paramount, as a community leader, he has undertaken his civic duties with the utmost seriousness and passion, serving on several boards and organizations. His love for his fellow man and desire for social justice was evidenced by his organization of the Brenham Chapter of the NAACP. He was a Bible Lecturer and Secretary for the Lincoln District Association for 20 years, as well as Executive Vice Moderator. He was Chairman of the Congress of Christian Workers of Texas. Rev. Dennis preached in the Lincoln District Association's State Congress, State Convention, and National Baptist Convention. He served as a Member of the Faith Mission Board of Directors in Brenham, Texas and President of the Washington County Ministers Association. He was also President of the Washington County Lions Club and the Brenham Civic Club.

As an instructor, Rev. Dennis continues to share his gifts and experiences with those who seek knowledge and guidance. He teaches at Christian Bible College and A.P. Clay Theological Bible College in Kenner, Louisiana, and at the Union Theological Seminary in New Orleans. Rev. Dennis is presently a member of Christian Unity Baptist Church in New Orleans, Louisiana where Rev. Dwight Webster is Pastor.

Rev. Dennis is a true hero of his community and a faithful servant of God. His 66 years of service in the ministry is a testament to the power of faith and to a life of good deeds and public service. He has been honored with several awards, including the Man of the Year Award from the Washington County Chamber of Commerce and a Special Award for Years of Devoted Service to the Ministers Conference Prairie View A&M University in 1987 and 1992. Numerous other Certificates of Recognition include those from President Bill Clinton and Gov. George W. Bush. It is appropriate that the Citizens Committee for Retirees and Unsung Heroes will be honoring Rev. Dennis on November 17, 1999. On October 31, 1999, Houston's New Faith Church, pastored by Dr. T.R. Williams, will honor Rev. Dennis with celebrations during both morning worship services.

Mr. Speaker, throughout his 66 years in the ministry, Rev. Dennis' intelligence, enthusiasm, and integrity has served his congregations well. He brings a tireless energy, an unflagging drive, and a passionate caring to each of his endeavors, whether it's as a Pastor, a civic officer, or friend. His contributions to the ministry and his energy in addressing the needs of his congregations and surrounding community are truly commendable.

## ROFEH INTERNATIONAL HONORS DR. SUMNER SLAVIN AND MR. ALLEN RODMAN

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. FRANK of Massachusetts. Mr. Speaker, I am pleased once again to call the attention of my colleagues to the excellent work that is performed by ROFEH International in Brookline, Massachusetts, and to join with ROFEH in recognizing two outstanding individuals, Dr. Sumner Slavin, and Mr. Allen Rodman, for the work they do in the context of ROFEH.

ROFEH is sponsored by the New England Chassidic Center, and owes its creation and its ongoing inspiration to the Grand Rabbi Levi Horowitz, widely known as the Bostoner Rebbe.

Rabbi Horowitz, in addition to his religious scholarship, is a leader in the field of medical ethics, and he is widely respected for his work in this area. And when I talk of Rabbi Horowitz's work in the medical ethics area, I speak not simply of intellectual activity, but of practical efforts, exemplified by Project ROFEH. This important activity brings people from all over the world to Boston so that they can benefit from the outstanding level of medical knowledge and skill which is available in Boston to a degree greater than almost anywhere else in the world. As we know, good medical care has two parts—the first of course being the existence of high quality care; but the second being access to that care, which is, sadly, very unevenly distributed. ROFEH International does an excellent job in extending access to people who would not have it otherwise, and I salute Rabbi Horowitz and his colleagues for this work. Indeed, I use this occasion to publicize this effort in the CONGRESSIONAL RECORD not simply because it is worthy of recognition, but because it is even more worthy of emulation, and I hope through this means to stimulate some interest in this notion because it is an activity that could be repeated elsewhere. And I know that Rabbi Horowitz and his colleagues would be glad to share with others if asked what they do and how it could be replicated.

This year, on November 7, the annual dinner of ROFEH and the New England Chassidic Center will take place, and at that time, the 1999 Man of the Year award will be presented to Allen Rodman.

Mr. Rodman is a leading member of the Bar in Malden, Massachusetts, and among his other distinctions, he has been a strong supporter of the work of the New England Chassidic Center—work which stretched through five generations of his family. The family affiliation is particularly strong through his mother, Cecile, who is a close friend of Rabbi and Rebbetzin Horowitz. In his 45 years as a member of the Bar, Mr. Rodman has undertaken notable legal efforts, including important work in asbestos litigations, and in the extremely significant class action litigation launched against the tobacco companies five years ago.

The Lillian and Harry Andler Memorial Award will be given on that day to Dr. Sumner Slavin. Dr. Slavin and his family similarly have a long association with the Rebbe, and he has been very active in the work of the New England Chassidic Center. His distinguished medical career has been marked by a number of awards, and he is now representing the Beth Israel Deaconess Medical Center on the Executive Council for the new Harvard Medical School Program in Plastic Surgery. He has been recognized for his expertise in the important and sensitive area of breast reconstruction and has been a leader as well in the efforts to combat lymphedema, a condition that causes swelling in the limbs after cancer treatment. Dr. Slavin and Mr. Rodman are leaders in their respective professional fields, and leaders as well in contributing to the great work of the New England Chassidic Center and Project ROFEH. The honor they receive from these very distinguished institutions is a high one, and reflective of their willingness to work hard for the welfare of others. I am glad to join in pointing to them, and to ROFEH International as examples of the way in which citizens can reach out to others in need.

## CONGRATULATING PFIZER, INC. ON ITS 150TH ANNIVERSARY

### HON. EDWARD A. PEASE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. PEASE. Mr. Speaker, I rise today to congratulate Pfizer, Inc. on its 150th anniversary and to applaud the company for its many innovations in the ever-important pharmaceutical industry. Pfizer's products, which treat a variety of diseases and conditions, are now available in 150 countries. The company also has thriving consumer healthcare and animal healthcare divisions. The history of Pfizer is one of adventure, risk-taking, confident decision-making, and the saving of countless lives around the globe. It's the story of a small chemical firm founded in Brooklyn, New York, which, over 150 years, has become one of the world's premier pharmaceutical enterprises. Pfizer now employs close to 50,000 people in 85 countries, including 278 employees in its Terre Haute, Indiana, animal health research facility, which lies in my home district. Through the hard work of employees at these facilities, Pfizer offers its worldwide livestock and companion animal customers one of the broadest product lines in the industry.

Cousins Charles Pfizer and Charles Erhart emigrated to the U.S. from Germany in the mid-1840s. In New York City, the young cousins combined their skills and founded a small chemical firm in 1849. Charles Pfizer & Co. improved the American chemical market by manufacturing specialty chemicals that had not been produced in the U.S. The company made many important discoveries and marketed popular and effective drug treatments in its first 75 years. Union soldiers used Pfizer drugs extensively during the Civil War.

However, Pfizer's real emergence as an industry leader was the result of a daring risk taken by Pfizer executives in the 1940s. In 1928, when Alexander Fleming discovered the germ-killing properties of penicillin, he knew that the drug could have a profound medical value. Yet, Fleming could not find a way to mass-produce the drug. In 1941, following new discoveries relating to this ''wonder drug,'' Pfizer executives put their own stocks at stake and invested millions of dollars in order to find a way to mass produce penicillin. Eventually, they succeeded. The breakthrough came just in time to send penicillin to the frontlines of World War II.

From then on, Pfizer evolved into an international leader in the pharmaceutical industry, opening facilities around the globe and developing new and effective antibiotics to combat deadly infectious diseases.

Pfizer has spent a great amount of its resources on research and development, an approach that has rewarded the company and its customers with many successful and effective drugs. Pfizer today is renowned as one of the world's most admired corporations for the many contributions it has made to our society. I applaud Pfizer on its 150th anniversary and for its continued efforts to make this nation and the world a healthier place.

## THE SPIRIT OF COMMUNITY AT JOLLY MILL PARK

### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. BLUNT. Mr. Speaker, as members of Congress we often address the need in this chamber to improve the spirit of volunteerism or the spirit of community to meet local needs. Mr. Speaker, today I rise to call attention to a group of dedicated people in the Seventh Congressional District of Missouri who demonstrate the impact of that spirit.

For almost 150 years, Jolly Mill near Pierce City has been a fixture in Southwest Missouri. Located on the first road from Springfield to Oklahoma, the three story mill has served as a grist mill, a distillery, and a resupply point for wagon trains and stagecoaches. It survived two skirmishes in the Civil War and the burning of its surrounding settlement by bushwhackers. It continued as an enlarged flour

mill though it could not attract a railroad line. However it could not survive as an operating mill forever, finally closing its doors in 1973.

But that is not the end of the story. A group of citizens decided that it was essential to save this heritage landmark for future generations. They did not turn to government for federal grants or lobby to have the site added to the state park system. Like good Ozarkers they knew they could do the job themselves. Using local donations they bought the mill and 32 surrounding acres to form the Jolly Mill Park and formed the Jolly Mill Park Foundation.

The Foundation has an ongoing commitment to protect the history and heritage of rural Missouri. Not only have they restored the mill to its condition at the turn of the century. Nevertheless, they have also moved and restored a 90-year-old iron bridge and a one room school house built over a century ago.

The park, which is on the National Register of Historic Places, is a gift from the Foundation to the community. Its visitors can make their way to the old limestone slab foundation and hand-hewn and pegged framing timbers of the old mill to relax, reflect and to better understand the lives of those who settled there and developed the area.

Mr. Speaker, today I offer my appreciation and that of all my colleagues for the spirit of volunteerism and community that characterize the unselfish dedication of the Foundation and its many members over the last 16 years to preserve this singular part of the history of Newton County and Southwest Missouri.

## HONORING THE WHITE BEAR LAKE POLICE DEPARTMENT

### HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. VENTO. Mr. Speaker, I rise today to honor and congratulate the White Bear Lake Police Department in my district for their reception of the 1999 Community Policing Award. Chosen from among hundreds of nominations from around the world, The International Association of Police Chiefs unanimously selected the White Bear Lake Police Department for their innovative approach to community problem-solving.

The White Bear Lake Police Department is distinguished for several programs designed to connect citizens to the law enforcement community. Programs such as Triad, the Police Academy, the Citizen Crime Prevention Committee, and a police partnership with the city's schools educate all citizens from age 5 to 95 in police prevention issues.

Recognizing the value of police officer involvement in the community, the White Bear Lake Police Department assigned every police officer to a specific neighborhood. This led to a greater sense of familiarity and understanding between local residents and the department. Law enforcement's successful approach to community policing provides a positive example for all neighborhoods across the nation.

The hardworking men and women of the White Bear Lake Police Department are another reason why White Bear Lake is a safe and great place to live. It is with heartfelt pride and admiration that I congratulate them on winning the distinguished 1999 Community Policing Award.

I have included, for my colleagues review, an article which appeared in the White Bear Press, a local community newspaper. This article outlines the White Bear Lake Police Department's achievements and success in the international competition.

WHITE BEAR POLICE ARE ''TOP COPS'' IN INTERNATIONAL COMPETITION

(By James C. Pittman)

The White Bear Lake Police Department has received the 1999 Community Policing Award from the International Association of Police Chiefs.

''We are very proud of this award,'' said Police Chief Todd Miller. ''I think it is great recognition for everyone in the department and those in the community who help us.''

White Bear Lakes was selected from hundreds of law enforcement agencies worldwide for their dedication to community policing programs. Four other U.S. departments were also selected. The International Association of Police Chiefs, in association with ITT Industries Night Vision, will feature the five winning departments as part of a ''Best Practices In Community Policing'' presentations.

Miller, who has been chief here for the past six years, said it is the department's philosophy to involve officers in the community. Those citizen-involved programs have been successful, he said.

They include Triad, which involves senior citizens in police prevention; the Police Academy, which graduates citizens who want to have greater understanding of police techniques; and the Citizen Crime Prevention Committee. In addition, there is a police partnership with the schools. He also emphasized that every police officer is assigned to specific neighborhoods.

Miller, a ''scorer'' in the competition in past years, said the association looks at problem-solving skills by police and citizens within a community.

He said the association judges were especially impressed with the department's work on the speeding issue, which they said was a well-organized attempt to implement a community policing policy.

Miller said he was told that the White Bear Lake Police Department was the unanimous decision of the committee that evaluated the departments. ''And it was the first time that we entered the awards competition,'' he said.

The award will be presented at the police chiefs' annual conference Nov. 3 in Charlotte, N.C.

''The winning departments successfully demonstrated that community policing is proactive and effective policing, requiring a new way of thinking about and approaching community problem-solving,'' said Gary Kempfer, Missouri director of public safety. Kempfer serves as the chairman of the International Association of Police Chiefs Community Policing Committee.

The outstanding five departments represent five categories, based on population. The White Bear Lake Police Department was selected in the population category of 20,001 to 50,000 residents.

Each demonstrated a significant change in their approach to crime, from reactive to proactive. Departments divided communities into individual zones and dedicated officers to patrolling the same neighborhoods daily.

Other police departments chosen for the award represent Clearwater and Jacksonville in Florida; New Haven, Conn.; and Beaufort, S.C.

A preliminary panel of 14 judges and a final panel of six police chiefs reviewed hundreds of nominations from the United States and six foreign countries, including Australia, Ireland and Germany. The first panel selected the top 32 nominations. The final panel reviewed the 32 nominations to select five winners and 14 finalists.

With more than 17,210 members in 112 countries, the International Association of Police Chiefs is the world's oldest and largest non-profit organization of police executives from international, federal, state and local agencies of all sizes.

## TRIBUTE TO ADOLPH KULL

### HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Adolph Kull of Mattoon, Illinois. Today, a celebration will mark Mr. Kull's retirement from the Mattoon Coca-Cola bottling plant where he has worked for 75 years. He was hired by Coca-Cola on June 1, 1924, and worked there until August 31, 1999, when he retired. Mr. Kull's long-term commitment can not only be seen in his work, but also in his 60-year marriage to Victoria Kull, which has produced three wonderful children: Mark, Linda and Anita. I am sure his entire family, along with the entire Mattoon community, could not be more proud of Adolph's dedication, hard work and loyalty.

Perhaps success in the bottling business is genetic, because Adolph was not the first Kull to persevere in bottling. His father, a German immigrant, first started in the bottling business in 1891 in Murphysboro, Illinois. He started bottling Coca-Cola in 1904, and in 1928 he acquired the Mattoon Coca-Cola Bottling Company. There, Adolph began sorting bottles and doing odd jobs throughout the plant until the year following his graduation from high school when he began his job as a delivery driver in 1933. He worked as a delivery driver for 12 years, during which time the plant and the business continued to grow, even through the Depression. Mr. Kull claims that during the Depression, ''everyone could still afford a Coke.'' When his father passed away in 1956, Adolph became President of the company, and was President until 1982 when the company was sold. Adolph was 68 when he sold the company, an age when many people are either comfortably retired or comfortable with the idea of retirement. However, Adolph's love for the business was still strong and Adolph took a job as a line supervisor until his retirement earlier this year.

Mr. Speaker, Mr. Kull's life is an example of the long-held American ethics of hard work and loyalty. I know that he will be sorely missed by everyone at Coca-Cola, where his presence has become a 75-year tradition. However, I am also sure that Adolph will enjoy his retirement spending time with his family and restoring the antique automobiles that he loves so much. I ask all my colleagues to join me in congratulating Adolph on many years of excellence, and in wishing him the best of luck in this new phase of his life.

## THE AMERICAN-UKRAINIAN YOUTH ASSOCIATION'S 50TH ANNIVERSARY

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. GUTIERREZ. Mr. Speaker, I rise today to pay tribute to the American-Ukrainian Youth Association's 50th Anniversary and to wish them success at the Jubilee Banquet-Dance to be held at the Palmer House on October 23, 1999 in Chicago, Illinois.

The American-Ukrainian Youth Association—Mykola Pavlushkov branch—in Chicago is the largest such organization in our city and seeks to provide activities for children and young adults in the areas of culture, sports, civics and summer camp programs in its summer camp in Baraboo, Wisconsin.

The Pavlushkov branch was formed on October 2, 1949 by young Ukrainian immigrants who arrived after World War II. In fact, many of these young immigrants arrived from German ''displaced persons'' camps. Upon arrival in the United States, this group wished to continue the work they did in Europe as members of the Ukrainian Youth Association (''SUM'') and renewed their SUM activities in their new communities.

A central component of the SUM ideology is the concept of self-enlightenment, a concept that has been successfully incorporated into the existence of the Chicago branch. They are proud to follow the path of self-enlightenment through mass meetings of the membership as well as the promotion of the cultivation of Ukrainian culture and arts.

I want to congratulate the ''50th Anniversary Committee'' and Chrystya Wereszczak, President of the American Ukrainian Youth Association on the occasion of this important milestone and wish them continued success.

## GLOBAL BUSINESSWOMEN'S DAY

### HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Ms. DUNN. Mr. Speaker, since I was first elected in 1992, I have had great pleasure in witnessing the tremendous growth of women in business. Women now are starting businesses at twice the rate of men and employing more than all of the Fortune 500 companies worldwide.

In my home State of Washington, there are 188,400 women-owned businesses, including part-time firms, employing 509,800 people and generating $61.6 billion in sales.

As Co-Chair with Congresswoman LORETTA SANCHEZ for the Congressional Circle for the Foundation for Women Legislators, I am pleased to designate Tuesday, October 19th as Global Businesswomen's Day. We are proud to make this proclamation on the historic occasion of the Business Women's Network Global Summit in Washington, DC. It is an honor to salute the 1,500 delegates who have come from 97 countries around the globe and 47 states spanning the United States. Thanks to the Business Women's Network for focusing on diversity; the theme of the summit on October 19th is One America, One World.

Recognizing the importance of businesswomen and the BWN Global Summit, we are honored to show congressional recognition of the Global Business Women's Summit. How fitting it is that it is also National Business Women's Week. This proclamation salutes these women from across the globe who are symbols of hard work, dedication, and success in the new millennium.

In partnership, the Businesswomen's Network and the National Foundation for Women Legislators have created a strategic alliance: 2000 by 2000. The goal is to connect 2,000 elected women to work in partnership with 2,000 business leaders by the year 2000. Such a partnership between women legislators and women business owners has never been established. Yet businesswomen are the engines that empower women legislators. Think of the synergy—businesswomen and women legislators working hand-in-hand toward the common goal of empowering women everywhere.

Another major thrust of the summit is using cutting-edge technology to create more business for more women across more borders. By connecting globally, women can grow their businesses in new markets regardless of the size of their company. Fostering free and fair trading practices worldwide is particularly important in my home State of Washington, where nearly one in three jobs are trade dependent.

## TAIWAN'S NATIONAL DAY

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Taiwan's National Day. The Republic of China on Taiwan marked its National Day on October 10, 1999. Taiwan is a model democracy, representing progress, both economic and political. It has successfully weathered the Asian financial crisis and achieved notable political reforms in recent years. In terms of its relationship with the Chinese mainland, President Lee Teng-Hui has said on many occasions that he seeks peace and unification with the mainland under the principals of freedom, democracy, and equitable distribution of wealth.

As I extend my best wishes to President Lee and the people in Taiwan, I also wish to express my condolences to all those families that have lost loved ones to the September 21 earthquake that hit the island, especially the central part of the island. My prayers are with those families that have been affected by the quake.

Mr. Speaker, I want to congratulate the people of Taiwan for their spirit of liberty, support for democracy and their strength to ensure hardships.

## A TRIBUTE TO JAMES ''BIG DADDY'' CARSON

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand here today to honor the ''home going'' of Mr. James ''Big Daddy'' Carson. Coach Carson passed away suddenly last week due to complications from an earlier surgery.

Coach Carson was the head football coach at Jackson State University (JSU) from 1992 through the 1998 season and has been a member of the coaching staff since 1977. Truly, Coach Carson has been a corner stone of the JSU program. After his appointment to head coach, Carson led the Tigers to a 54–25–1 career record, including two Southwestern Athletic Conference Championships (1995 and 1996). Coach Carson's teams have made three trips to the NCAA Division 1–AA playoffs.

A native of Clarksdale, Mississippi, Carson is a 1963 graduate of Jackson State. He lettered four years as an offensive guard and nose tackle for the Tigers, receiving honorable mention NAIA All America in 1962. He was inducted into the JSU Sports Hall of Fame in 1989.

While at Jackson State, Coach Carson helped to mold the careers of many past and present professional football players. Among those players, is Hall of Fame inductee, Walter Payton. Coach Carson will be truly missed.

## CONFERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

### HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 14, 1999*

Mr. HILL of Indiana. Mr. Speaker, today, I grudgingly voted for the Conference Report for Veterans Administration and Housing and Urban Development Appropriations, H.R. 2684, but I still think Congress could have done better by our veterans. I voted for H.R. 2684, despite the fact that it did not include the $3 billion increase in veterans health care that veterans say they need. Unfortunately, there was no way left to improve this bill.

I am still very concerned about how this year's budget will affect veterans. Earlier this year, the VFW (Veterans of Foreign Wars), DAV (Disabled American Veterans), PVA (Paralyzed Veterans of America) and AMVETS stated in their Independent Budget and in testimony before the House Veterans Affairs Committee that the VA needed a $3 billion boost in health care funding to provide adequate care. The American Legion requested a slightly smaller, but still substantial, increase in veterans health care funding, as well.

I agree with many of my colleagues who believe the original Clinton Administration request for VA health care funding was way too

low. It essentially maintained the existing funding level. And although the House VA/HUD Appropriations bill did include a one-year, $1.7 billion increase in veterans health care, it fell well short of what veterans groups say is needed.

I voted against the House version on this VA/HUD Appropriations bill because defeating it would have given House members another opportunity to find the money needed to properly fund veterans' health care. Unfortunately, the Senate did not offer a higher funding level and the conference committee settled on the smaller increase.

I voted for this bill, but I know we can do better. In the future, I hope we will listen to the veterans and work together to better address our veterans' most pressing needs. They deserve it.

## TRIBUTE TO TROOPER JAMES SAUNDERS

### HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. NETHERCUTT. Mr. Speaker, I rise today to remember Washington State Patrol Trooper James Saunders, who was killed in the line of duty on October 7th while making a routine traffic stop in Pasco, Washington. The suspect in this case is a violent illegal alien who has a long criminal record.

Trooper Saunders leaves behind a small child and a wife expecting a second child. No words can express the sorrow they feel right now. I pray that God will become their strength as they begin the healing process.

As facts emerge in this case, the question we must ask ourselves is how can we stop tragedies like this. The suspect in the case had been deported three times by the U.S. Border Patrol in the past three years and this summer he was held in jail in Pasco awaiting a November trial on a cocaine charge. Instead of remaining in jail until trial, he was released on bond. There has been a lot of finger pointing over who is to blame for not placing the suspect on immigration detention, which is the standard procedure for violent criminal aliens, and while this should be investigated, it will not bring back Trooper Saunders. It is clear that this case shows how bureaucratic mistakes aren't just bureaucratic when crimes are committed and lives are lost. Our region is sensitive to this problem. An Omak police officer was killed in the line of duty just two years ago by a suspect who was an illegal alien.

Mr. Speaker, we must learn from this tragedy to prevent future acts of violence. I believe this case highlights three problems that need to be addressed.

First, legal immigration and border enforcement are two very separate functions of the Federal Government. Under our current system, the Border Patrol reports to the Immigration and Naturalization Service. Cooperation between INS and Border Patrol needs improvement. I support the approach offered by Chairman Harold Rogers to reorganize the INS into two different agencies within the Department of Justice: immigration services and immigration enforcement (or border patrol). This reorganization will empower both divisions to successfully fulfill their respective missions. Bureaucratic overlap and miscommunication should not be the cause of illegal aliens having easy access to our country.

Second, the Border Patrol needs more agents. Unfortunately, the Clinton Administration has not advocated for more resources and personnel for this department. There was bipartisan criticism earlier this year when President Clinton did not request funding for an increase of 1,000 Border Patrol agents for fiscal year 2000. Border communities are significantly impacted by this short-sighted decision. My home state of Washington recently had 6 agents detailed to the Arizona border because they need more agents to interdict illegal aliens and illegal drugs there. Overall, 204 Western region agents have been detailed to the Arizona border at a cost of $1.8 million per month. Arizona may need more agents, but that should not come at the expense of other regions. If we had an increase in the total number of agents, there would be no need to detail agents elsewhere. Northern Border Patrol sectors should be given an increase in Border Patrol personnel. This fact is important because the Spokane sector, which is located in my District needs, 15 agents and 2 support personnel just to get to ''critical operation level.'' The Spokane sector has 350 miles to cover and under the current staffing level they are only able to monitor 6 percent of the border on a regular basis. The loss of 6 agents will have an impact not just in border monitoring, but in criminal detention. Overstretched staff will be less able to visit local jails to ensure criminal aliens are not released back into the streets to commit more crimes, which apparently is part of the problem involving the situation that led to the shooting death of Trooper Saunders.

Our American border with Canada and our northern airports need additional agents as well. Eastern Washington streets are facing a significant increase in methamphetamine, heroin and marijuana use. Reports indicate that as America's southern border is reinforced, foreign drug producers are increasingly using Canada as a smuggling gateway between foreign drug producers and the United States. The Border Patrol recently interdicted the largest seizure of methamphetamine precursors in the history of our region. I am concerned that detailing of agents to the southern border will result in more drugs coming across our northern border.

Finally, the shooting of Trooper Saunders is another example of how illegal immigration and the drug trade are becoming more violent and police officers are being threatened. 104 law enforcement officers have been killed in the line of duty this year, 4 in the last two weeks, and many of these deaths can be attributed to the drug trade and illegal immigration. Law enforcement officials in my district tell me that street officers are finding that drug dealers and illegal aliens are more heavily armed and willing to use violence to evade detection and apprehension. Many veteran officers are choosing to retire because the streets have become too violent. This Congress has made great strides to provide more resources for law enforcement departments, but we should do more. The Bulletproof Protection Act signed into law last year has helped provide small and rural departments with life-saving vests for their officers. Vests should be standard equipment for every police officer, but unfortunately many departments do not have the resources to provide them. The Local Law Enforcement Block Grant has also given departments the ability to better tailor their programs according to the needs of their community rather than to an arbitrary Department of Justice grant requirement.

Mr. Speaker, we can and should do more to prevent violence against police officers. I hope the death of Trooper Saunders will be met with action and efforts to secure our borders and protect our law enforcement services.

## PERSONAL EXPLANATION

### HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Ms. CARSON. Mr. Speaker, I was unavoidably absent Thursday, October 14, 1999, and Monday, October 18, 1999, and as a result, missed rollcall votes 500 through 508. Had I been present, I would have voted ''yes'' on rollcall vote 500, ''yes'' on rollcall vote 501, ''yes'' on rollcall vote 502, ''no'' on rollcall vote 503, ''no'' on rollcall vote 504, ''present'' on rollcall vote 505, ''yes'' on rollcall vote 506, ''yes'' on rollcall vote 507, and ''yes'' on rollcall vote 508.

## TRIBUTE TO PATRICK SULLIVAN

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. LEVIN. Mr. Speaker, the community of Ferndale lost a good friend and a dedicated public citizen when Patrick Sullivan passed away on October 2, 1999.

Patrick Sullivan was a life-long resident of Ferndale. Beginning in 1957, he worked his way up through the ranks in the Ferndale Police Department, first serving as patrolman, and then rising to detective, sergeant, lieutenant, captain, and ultimately achieving the rank of Chief. As Chief of Police, he was responsible for bringing intense training and professioanlism to the Department; he was called a ''cop's cop.'' He retired from the department after 35 years of dedication and devotion to the safety and well-being of his fellow citizens.

After his retirement as Chief, Patrick Sullivan served one term as a Ferndale Councilman, and then as security director of Ferndale Schools. Regardless of the position he held, Patrick Sullivan was a larger-than-life man.

His brother, Joe, who succeeded him as Chief, said it best, ''Patrick was like an M and M—hard on the outside, and soft on the inside.'' He has an extraordinary interest in kids—always there for them when they got into trouble, helping them find their way in his tough but caring approach. His cottage up north was open to hundreds of youth who otherwise would not have been able to have a vacation.

Mr. Speaker, I ask my colleagues to join me in sending our condolences to Patrick Sullivan's wife Glenda, his son, Kevin, his brothers and sisters and his four step grandchildren. Patrick Sullivan will indeed be missed by all of

us privileged to know him and the hundreds whose lives he directly impacted with his friendship and warmth of personality.

## RECOGNIZING TWO DOG NET

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 19, 1999*

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Two Dog Net, a unique Internet environment designed specifically for children. It features a complete security system providing educational and entertaining children's content, secure email, games and more. Two Dog Net is the gateway to The Children's Internet, a collection of over a million pre-approved Internet pages accessed through Two Dog Net's ''kid friendly'' search engine.

Two Dog Net is based in Northern California. Its mission is to become the dominant Internet portal for children ages 3–14 and their families, by featuring the unique combination of security, educational programming and compelling animation and sound. The company developed its patent-pending Safe Zone Technology which provides safe browsing for children Internet users.

Two Dog Net has an award winning creative team that knows how to produce educational and entertaining content that children love. Two Dog Net uses animation and sound to captivate young users. The Company was developed by educators, who applied the Two Dog Net educational standards to all aspects of the development process. Two Dog Net will also be accessible in two languages including Spanish, Portuguese and French.

The content of Two Dog Net is both personalized and age-specific. Children can get their name on their home page, and a special greeting on their birthday. Each age group offers fun and innovative themes for kids to choose from, making it fit their individual personalities.

Mr. Speaker, I want to commend Two Dog Net for their child-safe Internet environment. I urge my colleagues to join me in wishing Two Dog Net many more years of continued success

# *Daily Digest*

## HIGHLIGHTS

The House and Senate passed H.J. Res. 71, making further continuing appropriations for the fiscal year 2000.

The House agreed to H. Res. 279, honoring Hank Aaron as one of the greatest baseball players of all time.

# Senate

## *Chamber Action*

*Routine Proceedings, pages S12799–S12860*

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 1747–1751, and S. Res. 205, and S. Con. Res. 61. **Pages S12834–35**

Measures Reported: Reports were made as follows:

S. 976, to amend title V of the Public Health Service Act to focus the authority of the Substance Abuse and Mental Health Services Administration on community-based services children and adolescents, to enhance flexibility and accountability, to establish programs for youth treatment, and to respond to crises, especially those related to children and violence, with an amendment in the nature of a substitute. (S. Rept. No. 106–196) **Page S12834**

Measures Passed:

*Continuing Appropriations:* Senate passed H.J. Res. 71, making further continuing appropriations for the fiscal year 2000, clearing the measure for the President. **Page S12803**

*Amending Revised Organic Act of the Virgin Islands:* Committee on Energy and Natural Resources was discharged from further consideration of H.R. 2841, to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and the bill was then passed, clearing the measure for the President. **Page S12851**

*District of Columbia College Access Act:* Senate passed H.R. 974, to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S12851–53**

Specter (for Thompson) Amendment No. 2317, to permit the Mayor to prioritize the making or amount of tuition and fee payments based on the income and need of eligible students, to include historically Black colleges and universities in the definition of schools eligible to participate in the program. **Page S12853**

Dwight D. Eisenhower Executive Office Building: Senate passed S. 1652, to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building. **Pages S12853–58**

*National Cystic Fibrosis Awareness Week:* Committee on the Judiciary was discharged from further consideration of S. Res. 190, designating the week of October 10, 1999, through October 16, 1999, as National Cystic Fibrosis Awareness Week, and the resolution was then agreed to. **Page S12858**

*National Childhood Lead Poisoning Prevention Week:* Committee on the Judiciary was discharged from further consideration of S. Res. 199, designating the week of October 24, 1999, through October 30, 1999, and the week of October 22, 2000, through October 28, 2000, as ''National Childhood Lead Poisoning Prevention Week'', and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S12858**

Specter (for Reed) Amendment No. 2318, to make a technical correction. **Page S12858**

Campaign Finance Reform: Senate continued consideration of S. 1593, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform, taking action on the following amendments proposed thereto: **Pages S12799–S12800, S12803**

Pending:

Daschle Amendment No. 2298, in the nature of a substitute. **Pages S12799–S12800, S12803**

Reid Amendment No. 2299 (to Amendment No. 2298), of a perfecting nature. **Page S12803**

Wellstone Amendment No. 2306 (to the text of the language proposed to be stricken by Amendment No. 2298), to allow a State to enact voluntary public financing legislation regarding the election of Federal candidates in such State. **Page S12799**

During consideration of this measure today, Senate also took the following actions:

By 52 yeas to 48 nays (Vote No. 330), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to close further debate on Daschle Amendment No. 2298, listed above. **Pages S12799–S12800**

By 53 yeas to 47 nays (Vote No. 331), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to close further debate on Reid Amendment No. 2299 (to Amendment No. 2298), listed above. **Page S12803**

**Partial Birth Abortion:** Senate began consideration of the motion to proceed to the consideration of S. 1692, to amend title 18, United States Code, to ban partial birth abortions. **Pages S12804–31**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill on Wednesday, October 20, 1999, with a vote on adoption of the pending motion to proceed to occur at 9:50 a.m. **Page S12818**

**Messages From the President:** Senate received the following message from the President of the United States:

A message from the President of the United States transmitting, a report relative to the continuation of the emergency with respect to significant narcotics traffickers centered in Colombia; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–66). **Page S12832**

**Nominations Received:** Senate received the following nominations:

Donna A. Bucella, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years. **Page S12860**

**Messages From the President:** **Page S12832**

**Messages From the House:** **Pages S12832–33**

**Measures Referred:** **Page S12323**

**Communications:** **Pages S12323–34**

**Executive Reports of Committees:** **Page S12834**

**Statements on Introduced Bills:** **Pages S12835–40**

**Additional Cosponsors:** **Pages S12840–41**

**Amendments Submitted:** **Pages S12843–45**

**Authority for Committees:** **Page S12845**

**Additional Statements:** **Pages S12845–51**

**Record Votes:** Two record votes were taken today. (Total–331) **Pages S12800, S12803**

**Adjournment:** Senate convened at 1:15 p.m., and adjourned at 7:24 p.m., until 9:30 a.m., on Wednesday, October 20, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12858.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## ATLANTIC FLEET WEAPONS TRAINING FACILITY

*Committee on Armed Services:* Committee concluded hearings to examine future naval operations at the Atlantic Fleet Weapons Training Facility, and the report on the findings of the Special Panel on Military Operations on Vieques, after receiving testimony from Francis M. Rush, Jr., Chairman, Special Presidential Panel on Military Operations on Vieques; Richard Danzig, Secretary of the Navy; Adm. Jay L. Johnson, USN, Chief of Naval Operations; Gen. James L. Jones, Jr., USMC, Commandant of the Marine Corps; and Puerto Rico Governor Pedro Rosello, Carlos Romero-Barceló, Resident Commissioner from Puerto Rico, Anibal Acevedo-Vila, Minority Leader, Puerto Rican House of Representatives, and Jose Alfredo Hernandez Mayoral, all of San Juan, Puerto Rico.

## NATIONAL NUCLEAR SECURITY ADMINISTRATION

*Committee on Energy and Natural Resources/Committee on Governmental Affairs:* Committees concluded joint oversight hearings on the Department of Energy's implementation of provisions of the Department of Defense Authorization Act which create the National Nuclear Security Administration, after receiving testimony from Bill Richardson, Secretary of Energy.

## SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION

*Committee on Energy and Natural Resources:* Subcommittee on Forests and Public Land Management concluded hearings on S. 1608, to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and

reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands, after receiving testimony from James R. Lyons, Under Secretary of Agriculture for Natural Resources and Environment; Lynn Jungwirth, Watershed Research and Training Center, Hayfork, California; Carol Wright, Klamath Forest Alliance, Etna, California; and Gene Sirmon, Mississippi Timber Council, Brandon.

## BUSINESS MEETING

*Committee on Environment and Public Works:* Committee ordered favorably reported the nominations of Skila Harris, of Kentucky, and Glenn L. McCullough, Jr., of Mississippi, both to be Members of the Board of Directors of the Tennessee Valley Authority, and Gerald V. Poje, of Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board.

## HABITAT CONSERVATION PLANS

*Committee on Environment and Public Works:* Subcommittee on Fisheries, Wildlife, and Drinking Water held hearings to examine how species listed under the Endangered Species Act (ESA) benefit from conservation and mitigation measures required in Habitat Conservation Plans (HCPs), focusing on negotiation and implementation, appropriateness and adequacy of conservation measures, and the Administration's no surprises policy, receiving testimony from Eric R. Glitzenstein, Meyer and Glitzenstein, on behalf of the Spirit of the Sage Council/Defenders of Wildlife, and Steven P. Quarles, on behalf of the American Forest and Paper Association, both of Washington, DC; Robert D. Thornton, Nossaman, Guthner, Knox, and Elliott, Irvine, California, on behalf of the Orange County Transportation Corridor Agencies; William C. Pauli, California Farm Bureau Federation, Sacramento, on behalf of the American Farm Bureau Federation; Rudolph Willey, Presley Homes, Martinez, California; Brooke S. Fox, Douglas County Board of Commissioners, Castle Rock, Colorado; James E. Moore, Nature Conservancy of Nevada, Las Vegas; and Don Rose, Sempra Energy, San Diego, California, on behalf of the Edison Electric Institute.

Hearings recessed subject to call.

## ELECTRIC POWER INDUSTRY RESTRUCTURING

*Committee on Finance:* Subcommittee on Long-term Growth and Debt Reduction held hearings on current-law tax provisions that may affect transactions undertaken with respect to the restructuring of the electric power industry, S. 386, to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities, S. 1048 and related provisions of S. 1047, measures to provide for a more competitive electric power industry, related provisions of S. 1429 and H.R. 2488, measures to amend the Internal Revenue Code of 1986 to reduce individual income tax rates, to provide marriage penalty relief, to reduce taxes on savings and investments, to provide estate and gift tax relief, to provide incentives for education savings and health care, and related provisions of H.R. 2038, to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear power plants, receiving testimony from Senator Gorton; Representative English; Joseph Mikrut, Tax Legislative Counsel, Department of the Treasury; T.J. Glauthier, Deputy Secretary of Energy; Mayor Scott Maddox, Tallahassee, Florida, on behalf of the American Public Power Association; Thomas R. Kuhn, Edison Electric Institute, Washington, DC; Joseph R. Ronan, Jr., Calpine Power Services, San Jose, California; William Mayben, Nebraska Public Power District, Columbus, on behalf of the Large Public Power Council; Eric P. Yould, Alaska Rural Electric Cooperative Association, Anchorage, on behalf of the National Rural Electric Cooperative Association; Corbin A. McNeill, Jr., PECO Energy Company, Philadelphia, Pennsylvania, on behalf of the Edison Electric Institute, Nuclear Energy Institute, and Utility Decommissioning Tax Group; and William Carlson, Wheelabrator Environmental Systems, Anderson, California, on behalf of the Electric Power Supply Association.

Hearings recessed subject to call.

## NOMINATIONS

*Committee on Foreign Relations:* Committee concluded hearings on the nominations of Mary Carlin Yates, of Washington, to be Ambassador to the Republic of Burundi, John E. Lange, of Wisconsin, to be Ambassador to the Republic of Botswana, and Michael Edward Ranneberger, of Virginia, to be Ambassador to the Republic of Mali, after the nominees testified and answered questions in their own behalf.

## SMALL BUSINESS PAPERWORK REDUCTION

*Committee on Governmental Affairs:* Committee concluded hearings on S. 1378 and H.R. 391, bills to

amend chapter 35 of title 44, United States Code, for the purposes of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, after receiving testimony from Senator Lincoln; Jere W. Glover, Chief Counsel for Advocacy, Small Business Administration; John T. Spotila, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget; Eleanor D. Acheson, Assistant Attorney General for the Office of Policy Development, Department of Justice; Robert Smith, Spero-Smith Investment Advisers, Inc., Beachwood, Ohio, on behalf of the National Small Business United; Jack Gold, Center Industrial and Maintenance Supply Company, Edison, New Jersey, on behalf of the National Federation of Independent Business; and Gary E. Warren, Baltimore County Fire Department, Baltimore, Maryland, on behalf of the International Association of Fire Chiefs.

# House of Representatives

## *Chamber Action*

**Bills Introduced:** 12 public bills, H.R. 3099–3110; and 4 resolutions, H.J. Res. 72 and H. Con. Res. 199–201, were introduced. **Pages H10339–40**

**Reports Filed:** Reports were filed today as follows:

Supplemental report on H.R. 2, to send more dollars to the classroom and for certain other purposes (H. Rept. 106–394 Pt. 2);

H.R. 1887, to amend title 18, United States Code, to punish the depiction of animal cruelty, amended (H. Rept. 106–397);

Conference report on H.R. 2670, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000 (H. Rept. 106–398);

H.R. 754, to establish a toll free number under the Federal Trade Commission to assist consumers in determining if products are American-made, amended (H. Rept. 106–399);

H. Res. 278, expressing the sense of the House of Representatives regarding the importance of education, early detection and treatment, and other efforts in the fight against breast cancer (H. Rept. 106–400);

H. Res. 335, waiving points of order against the conference report on H.R. 2670, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000 (H. Rept. 106–401); and

H. Res. 336, providing for consideration of H.R. 2, to send more dollars to the classroom and for certain other purposes (H. Rept. 106–402).

**Pages H10283–H10332, H10339**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he designated Representative Tancredo to act as Speaker pro tempore for today. **Page H10181**

**Guest Chaplain:** The prayer was offered by the guest Chaplain, Rabbi Raphael Gold of Savannah, Georgia. **Page H10186**

**Recess:** The House recessed at 9:37 a.m. and reconvened at 10:00 a.m. **Page H10186**

**Journal Vote:** Agreed to the Speaker's approval of the Journal of Monday, October 18, by a yea and nay vote of 337 yeas to 56 nays with 1 voting "present", Roll No. 509. **Pages H10186, H10189–90**

**Private Calendar:** On the call of the Private Calendar, the House passed over without prejudice S. 452, for the relief of Belinda McGregor. **Page H10186**

**Further Continuing Appropriations:** The House passed H.J. Res. 71, making further continuing appropriations for the fiscal year 2000, by a yea and nay vote of 421 yeas to 2 nays, Roll No. 510. **Pages H10196–98**

H. Res. 334, the rule that provided for consideration of the joint resolution was agreed to by voice vote. **Pages H10190–96**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

*Honoring Hank Aaron:* H. Res. 279, amended, congratulating Henry "Hank" Aaron on the 25th anniversary of breaking the Major League Baseball career home run record established by Babe Ruth and recognizing him as one of the greatest baseball players of all time; **Pages H10199–H10204**

*Banking and Housing Agency Accountability Preservation Act:* H.R. 3046, amended, to preserve limited Federal agency reporting requirements on

banking and housing matters to facilitate congressional oversight and public accountability;

**Pages H10232–35**

*Women's Business Center Sustainability Act:* H.R. 1497, amended, to amend the Small Business Act with respect to the women's business center program; **Pages H10235–40**

*Work Incentives Improvement Act:* H.R. 1180, amended, to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work (passed by a yea and nay vote of 412 yeas to 9 nays, Roll No. 513); and **Pages H10241–66, H10273–74**

*Punishing the Depiction of Animal Cruelty:* H.R. 1887, amended, to amend title 18, United States Code, to punish the depiction of animal cruelty (passed by a yea and nay vote of 372 yeas to 42 nays, Roll No. 514). **Pages H10267–73, H10274**

Suspension Failed—Providing for Spending Offsets: The House failed to pass H.R. 3085, amended, to provide discretionary spending offsets for fiscal year 2000 by a yea and nay vote of 0 yeas to 419 nays, with 5 voting "present", Roll No. 511.

**Pages H10204–31**

Motion to Discharge—Financial Freedom Act: The House agreed to table the motion to discharge from the Committee on Ways and Means, H.R. 2488, to amend the Internal Revenue Code of 1986 to reduce individual income tax rates, to provide marriage penalty relief, to reduce taxes on savings and investments, to provide estate and gift tax relief, to provide incentives for education savings and health care by a recorded vote of 215 ayes to 203 noes, Roll No. 512. **Pages H10231–32**

Presidential Message—National Emergency Re Colombia: Read a message from the President wherein he transmitted his message concerning the national emergency with respect to significant narcotics traffickers centered in Colombia—referred to the Committee on International Relations and ordered printed (H. Doc. 106–146). **Page H10275**

Supplemental Report: The Committee on Education and the Workforce received permission to file a supplemental report on H.R. 2, The Students Results Act. **Page H10275**

District of Columbia Appropriations: The House agreed to H. Res. 333, agreeing to the conference requested by the Senate on the amendment of the Senate to the bill H.R. 3064, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000. Pursuant to the resolution, the House disagreed to the Senate amendment and agreed to the conference. **Pages H10275–76**

Motion to Instruct—Commerce, Justice, State, and the Judiciary Appropriations: The House completed debate on the Upton motion to instruct conferees, on H.R. 2670, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, to agree to the provisions contained in section 102 of the Senate amendment (relating to repeal of automated entry-exit control system). Further proceedings on the motion were postponed. **Pages H10276–83**

Conference Report Filed—Commerce, Justice, State, and the Judiciary Appropriations: Under clause 8 of rule 20 and clause 7(c) of rule 22, the filing of H. Rept. 106–398, conference report on H.R. 2670, vitiated the motions to instruct conferees offered by Representatives Coburn and Upton. The Coburn motion was debated on October 18, 1999, and further proceedings were postponed. **Page H10332**

Online Child Protection Commission: The Chair announced the Speaker's appointment of Mr. James Schmidt of California, Mr. George Vrandenburg of Virginia, and Mr. Larry Shapiro of California to the Online Child Protection Commission. **Page H10332**

Recess: The House recessed at 8:10 p.m. and reconvened at 9:25 p.m. **Page H10337**

Senate Messages: Message received from the Senate appears on page H10276.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H10340–70.

Quorum Calls—Votes: Five yea and nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H10189–90, H10198, H10231, H10232, H10273–74, and H10274. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at 9:26 p.m.

# *Committee Meetings*

## NATIONAL SUSTAINABLE FUELS AND CHEMICALS ACT

*Committee on Agriculture:* Subcommittee on Risk Management, Research, and Specialty Crops held a hearing on H.R. 2827, National Sustainable Fuels and Chemicals Act of 1999. Testimony was heard from

Representative Udall of Colorado; I.M. Gonzalez, Under Secretary, Research, Education, and Economics, USDA; Dan W. Reicher, Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy; and public witnesses.

## KOSOVO—LESSONS LEARNED

*Committee on Armed Services:* Subcommittee on Military Procurement held a hearing on lessons learned from the Kosovo conflict—the effect of the operation on both deployed/non-deployed forces and on future modernization plans. Testimony was heard from the following officials of the Department of Defense: Lt. Gen. Larry R. Ellis, USA, Deputy Chief of Staff (Operations and Plans), Department of the Army; Vice Adm. Conrad C. Lautenbacher, USN, Deputy Chief of Naval Operations (Resources, Warfare Requirements and Assessments), Department of the Navy; Lt. Gen. Marvin R. Esmond, USAF, Deputy Chief of Staff (Air and Space Operations), Department of the Air Force; and Lt. Gen. John E. Rhodes, USMC, Commanding General, Marine Corps Combat Development Command, Headquarters, U.S. Marine Corps.

## BLOOD SAFETY AND AVAILABILITY

*Committee on Commerce:* Subcommittee on Oversight and Investigations concluded hearings on Blood Safety and Availability. Testimony was heard from public witnesses.

## COMPLEMENTARY MEDICINE—IMPROVING CARE AT THE END OF LIFE

*Committee on Government Reform:* Held a hearing on Improving Care at the End of Life with Complementary Medicine. Testimony was heard from Thomas V. Holohan, Chief, Patient Care Services, Veterans Health Administration, Department of Veterans Affairs; the following officials of the Department of Health and Human Services: Kathy Buto, Deputy Director, Center for Health Plans and Providers, Health Care Financing Administration; and Patricia Grady, Director, National Institute for Nursing Research, NIH; and public witnesses.

## MISCELLANEOUS MEASURES; U.S. POLICY TOWARD RUSSIA

*Committee on International Relations:* Favorably considered the following resolutions and adopted motions urging the Chairman to request that they be considered on the Suspension Calendar: H. Con. Res. 102, celebrating the 50th anniversary of the Geneva Conventions of 1949 and recognizing the humanitarian safeguards these treaties provide in times of armed conflict; H. Con. Res. 188, commending Greece and Turkey for their mutual and swift response to the recent earthquakes in both countries by providing to each other humanitarian assistance and rescue relief; H. Con. Res. 46, urging an end of the war between Eritrea and Ethiopia and calling on the United Nations Human Rights Commission and other human rights organizations to investigate human rights abuse in connection with the Eritrean and Ethiopian conflict; and H. Con. Res. 20, concerning economic, humanitarian, and other assistance to the northern part of Somalia.

The Subcommittee also concluded hearings on U.S. Policy Toward Russia, Part III: Administration Views. Testimony was heard from Strobe Talbott, Deputy Secretary, Department of State.

## SMALL BUSINESS LIABILITY REFORM ACT

*Committee on the Judiciary:* Began mark up of H.R. 2366, Small Business Liability Reform Act of 1999.

Will continue October 25.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 1680, to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest; H.R. 1969, Arizona National Forest Improvement Act of 1999; and H.R. 3089, to provide for a comprehensive scientific review of the current conservation status of the northern spotted owl as a result of implementation of the President's Northwest Forest Plan, which is a national strategy for the recovery of the species on public forest lands. Testimony was heard from Representative Thomas; and Paul Brouha, Associate Deputy Chief, National Forest Systems, Forest Service, USDA.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 2795, Shivwits Plateau National Conservation Area Establishment Act; and H.R. 3935, Utah National Parks and Public Lands Wilderness Act. Testimony was heard from Representatives Shadegg, Stump, Cook and Hinchey; Bruce Babbitt, Secretary of the Interior; Michael Leavitt, Governor, State of Utah; W. Hays Gilstrtap, Commissioner, Game and Fish Department, State of Arizona; and public witnesses.

## STUDENTS RESULTS ACT

*Committee on Rules:* Granted, by voice vote, a modified open rule on H.R. 2, Students Result Act of 1999. providing ninety minutes of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule waives all points of order against consideration of the bill. The rule

makes in order the Committee on Education and the Workforce amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be open for amendment at any point. The rule waives all points of order against the amendment in the nature of a substitute. The rule provides that the amendment process shall not exceed 6 hours. The rules makes in order only those amendments printed in the *Congressional Record*. The rule provides that each amendment printed in the *Congressional Record* may be offered only by the Member who caused it to be printed or his designee, and that each amendment shall be considered as read. The rule provides that amendment number 5 printed in the *Congressional Record* shall not be subject to amendment and shall not be subject to a demand for a division of the question. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Goodling and Representatives Castle, Clay, Kildee, Payne, Mink of Hawaii, and Woolsey.

### CONFERENCE REPORT—COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

*Committee on Rules:* Granted, by voice vote, a rule waiving all points of order against the conference report on H.R. 2670, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000 and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representatives Rogers and Serrano.

### PLANT GENOME SCIENCE

*Committee on Science:* Subcommittee on Basic Research concluded hearings on Plant Genome Science: From the Lab to the Field to the Market, Part III. Testimony was heard from Sally L. McCammon, Science Advisor, Animal and Plant Health Inspection Service, USDA; Janet L. Andersen, Director, Bio-Pesticides and Pollution Prevention Division, Office of Pesticide Programs, EPA; James Maryanski, Biotechnology Coordinator, Center for Food Safety and Applied Nutrition, FDA, Department of Health and Human Services; and public witnesses.

### POSTAL SERVICE'S REGULATIONS—COMMERCIAL MAIL RECEIVING AGENCIES

*Committee on Small Business:* Subcommittee on Regulatory Reform and Paperwork Reduction held a hearing on the U.S. Postal Service's regulations regarding Commercial Mail Receiving Agencies (CMRAs). Testimony was heard from Tony Crawford, Inspector, Mid-Atlantic Division, U.S. Postal Service; and public witnesses.

### BRIEFING—COLOMBIA; INTELLIGENCE ISSUES

*Permanent Select Committee on Intelligence:* Met in executive session to receive a briefing on Colombia: Intelligence Issues. The Committee was briefed by departmental officials.

## *Joint Meetings*

### UZBEKISTAN DEMOCRACY AND HUMAN RIGHTS

*Commission on Security and Cooperation in Europe:* On Monday, October 18, Commission concluded hearings on the state of democratization and human rights in Uzbekistan, after receiving testimony from John Beyrle, Deputy to the Ambassador-at-Large/Special Advisor to the Secretary of State for the New Independent States; Sodyq Safaev, Ambassador of the Republic of Uzbekistan; Cassandra Cavanaugh, Human Rights Watch, Helsinki, New York, New York; Paul Goble, Radio Free Europe/Radio Liberty, and Abdurahim Polat, Birlik Party, both of Washington, D.C.; and Lawrence Uzzell, Keston Institute, Moscow, Russia.

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## COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 20, 1999

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Armed Services:* Subcommittee on Emerging Threats and Capabilities, to hold hearings on the efforts of the military services in implementing joint experimentation, 9:30 a.m., SR–222.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine the use of performance enhancing drugs in Olympic competition, 9:30 a.m., SD–106.

*Committee on Energy and Natural Resources:* business meeting to consider pending calendar business, 10 a.m., SD–366.

Subcommittee on Water and Power, to hold hearings on S. 1167, to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel; S. 1694, to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii; S. 1612, to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation and reclamation districts in the State of Nebraska; S. 1474, providing conveyance of the Palmetto Bend project to the State of

Texas; S. 1697, to authorize the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982; S. 1178, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project, South Dakota, to the Commission of Schools and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission; and S. 1723, to establish a program to authorize the Secretary of the Interior to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho, 2:30 p.m., SD–366.

*Committee on Finance:* business meeting to markup on the proposed Tax Extenders and the Balanced Budget Adjustments Act, 10 a.m., SD–215.

*Committee on Foreign Relations:* to hold hearings on extradition Treaty between the Government of the United States of America and the Government of the Republic of Korea (hereinafter referred to as ''the Treaty''), signed at Washington on June 9, 1998 (Treaty Doc.106–02), 2 p.m., SD–419.

*Committee on Indian Affairs:* to hold oversight hearings on the implementation of the Transportation Equity Act in the 21st Century, focusing on Indian reservation roads; to be followed by a business meeting on pending calendar business, 9:30 a.m., SR–485.

*Committee on the Judiciary:* to hold hearings on the Justice Department's role and the FALN, 9 a.m., SD–226.

*Committee on Rules and Administration:* to hold oversight hearings on the operations of the Architect of the Capitol, 9:30 a.m., SR–301.

## House

*Committee on Agriculture,* hearing to review the Administration's preparations for the 1999 World Trade Organization (WTO) Ministerial, 10 a.m., 1300 Longworth.

*Committee on Armed Services,* Subcommittee on Military Procurement and the Subcommittee on Military Research, joint hearing on the threat to U.S. forces posed by the proliferation of chemical and biological weapons, 10 a.m., 2118 Rayburn.

Subcommittee on Military Procurement, hearing on the Department of Energy security issues, 2 p.m., 2118 Rayburn.

*Committee on Commerce,* Subcommittee on Finance and Hazardous Materials, hearing on H.R. 1954, Rental Fairness Act of 1999, 10 a.m., 2322 Rayburn.

Subcommittee on Health and Environment, hearing on the Implementation of the Safe Drinking Water Act Amendments of 1996, 10 a.m., 2123 Rayburn.

*Committee on Government Reform,* Subcommittee on Government Management, Information, and Technology, hearing on the National Archives and Records Administration, 10 a.m., 2154 Rayburn.

Subcommittee on National Security, Veterans' Affairs and International Relations, hearing on Combating Terrorism: Assessing the Threat, 10:30 a.m., 2247 Rayburn.

*Committee on International Relations,* hearing on Intercountry Adoption: Implementation of the Hague Convention on Intercountry Adoption, 10 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, hearing on Regional Security in South Asia, 2 p.m., 2172 Rayburn.

*Committee on the Judiciary,* oversight hearing on Competitive Issues in Agriculture and the Food Marketing Industry, 10 a.m., 2141 Rayburn.

*Committee on Resources,* to consider the following bills: H.R. 348, to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs; S. 416, to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility; H.R. 1695, to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility; H.R. 1725, Miwaleta Park Expansion Act; H.R. 2632, Dugger Mountain Wilderness Act of 1999; H.R. 2737, to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as a historic and interpretive site along the trail; H.R. 2889, to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures; H.R. 3080, to amend the Indian Self-Determination and Education Assistance Act to direct the Secretary of the Interior to establish the American Indian Education Foundation; and the Elim Native Corporation land conveyance, 11 a.m., 1324 Longworth.

*Committee on Science,* Subcommittee on Basic Research, hearing on the Turkey, Taiwan and Mexico Earthquakes: Lessons Learned, 2 p.m., 2318 Rayburn.

Subcommittee on Technology, to mark up H.R. 2413, Computer Security Enhancement Act of 1999, 10:30 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Aviation, hearing on the State of Airline Competition, 9:30 a.m., 2167 Rayburn.

## Joint Meetings

*Conference:* meeting of conferees on S. 900 and H.R. 10, bills to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers, Time to be announced, Room to be announced.

*Conference:* meeting of conferees continued on H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, 11:30 a.m., Room to be announced.

*Next Meeting of the* SENATE

9:30 a.m., Wednesday, October 20

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to the consideration of S. 1692, Partial Birth Abortion, with a vote on adoption of the pending motion to proceed to occur at 9:50 a.m. Senate will consider any appropriations conference reports when available.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 20

House Chamber

Program for Wednesday: Consideration of H.R. 2670, Departments of Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Act Conference Report, 2000 (rule waiving all points of order); and

Consideration of H.R. 2, the Students Results Act (modified open rule, 90 minute of general debate).

## Extensions of Remarks, as inserted in this issue

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