REVISED NOTICE—NOVEMBER 17, 1999

If the 106th Congress, 1st Session, adjourns sine die on or before November 18, 1999, a final issue of the Congressional Record for the 106th Congress, 1st Session, will be published on December 3, 1999, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through December 1. The final issue will be dated December 3, 1999, and will be delivered on Monday, December 6, 1999.

If the 106th Congress does not adjourn until a later date in 1999, the final issue will be printed at a date to be announced.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, Chairman.

NOTICE

Effective January 1, 2000, the subscription price of the Congressional Record will be $357 per year, or $179 for 6 months. Individual issues may be purchased for $3.00 per copy. The cost for the microfiche edition will remain $141 per year; single copies will remain $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

MICHAEL F. DiMARIO, Public Printer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We have done that. Every one of these 13 bills has been through the process. Now we are back. We are dealing with the five bills that the President decided to veto. And over a long period of time, and working with the White House and working with our colleagues on the other side of the aisle, we have pieced together what we need in this Nation to make this Nation work on an appropriations process for the next fiscal year.

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

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

This bill also represents a huge victory for those in this chamber who have spent many years fighting for local control of Federal education dollars. We had a long debate with the White House, and the White House wanted more teachers, and we put $300 million more in for education than the White House wanted. But that is not quite what we asked, let us give our local school districts, let us give our parents, let us give teachers and let us give superintendents and those people we ask to take care of our local schools the flexibility and opportunity to do the work that they have to do.

We did that in this bill. Working with the White House and the good work of the gentleman from Pennsylvania (Mr. Goodling), we eliminated flexibility, waste, every year our government spends billions and billions of dollars, and we are saying in this bill, let us take 38 cents out of every $100 that the Federal Government spends and find ways where we have been wasteful, and I think next year we ought to do the same thing, over and over again, because that is what the American people expect us to do.

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

This bill also takes a very important first step toward eliminating, in the long run, a $30 or $40 billion bill. The $776 billion were lifted for two years while we develop a better payment system. Medicare's coverage of immuno-suppressive drugs for transplant patients has been extended 8 months. Patients in hospital outpatient departments are protected against ever having to pay more than a single day's hospital deductible for the cost of the outpatient procedure. Today, patients face out-of-pocket costs of $2000 to $3000 for certain outpatient procedures. Now, their costs will be limited to about $150.

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

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

It still is not paid for—and now reduces solvency by more than a year, and increases beneficiary Part B premiums by at least $2 billion over the next five years, increasing premiums about a dollar a month. It spends about $16 billion of the Social Security surplus over the next five years, increasing premiums about a dollar a month. It spends about $16 billion of the Social Security surplus over the next five years, increasing premiums about a dollar a month. It spends about $16 billion of the Social Security surplus over the next five years, increasing premiums about a dollar a month. It spends about $16 billion of the Social Security surplus over the next five years, increasing premiums about a dollar a month.
I am most disappointed about the budget games that were played on the 5.7 percent hospital outpatient department issue—which is a $4 billion gift to hospitals. When the BBA passed, we meant to reduce payments to hospitals which had been shifting overhead costs to outpatient departments. It is the rankest Orwellian of all the measures. But revisionist history is what has happened. So that neither the White House nor the Congress would be charged for the $4 billion gift, there has been an exchange of letters in which no one is ‘scored’ for the cost of spending $4 billion which Mr. Speaker, it is all phony. It is all a distortion of the budget process. The give-away to hospitals does cost money; $1 billion will come from seniors. Therefore, we should have been honest and paid for it. It is money that will not be available to save Medicare. It is money that comes out of the Social Security surplus. And that is the truth.

Mr. Speaker, this kind of dishonest budget gaming will destroy the trust and the truth in government. Its true cost is much more than the $4 billion gift to hospitals.

There are other bad features. There is absolutely no hard proof that some of these providers need more money. In many cases, the Congressional Budget Office is told by lobbyists and major contributors.

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

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

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

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

Overall, the Omnibus provides $39 billion for education programs. This is a 7 percent increase over Fiscal Year 1999. Importantly, the Class Size Reduction Initiative remained intact. The controversy about this program led to the President’s veto of previous Labor/HHS appropriations bills. However, the $1.3 billion appropriated for class size reduction will in large part remain designated for that purpose.

School districts are permitted to use up to 25 percent of the funds for professional development, an increase over last year. Nonetheless, the majority of funding will remain targeted for its intended purpose—reducing the sizes of our children’s classrooms. This funding was imperative for schools in my district and in New York City. After years, New York City used its funding under the class size reduction initiative to fund the full salaries of 808 new teachers and to partially fund the salaries of an additional 788 early grade teachers. Had there been no funding for class size reduction, the city would have been unable to retain more than 1500 teachers. This is important in my district, which contains the most overcrowded school district in the city, CSD 24, operating at 119 percent over capacity. Overall, the funding New York City receives will reduce its percentage income from 90,000 students—27 percent of its K-3 enrollment. While this is nowhere near enough—it is an important first step in improving the education for all K-3 children in New York City and across the country.

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

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

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

The Omnibus also increases funding for Head Start programs by 13 percent bringing fiscal year 2000 to $5.5 billion. As you know, Mr. Speaker, the Head Start Program was instituted in 1965 and has been reauthorized through 2003. Head Start funds are provided directly to local grantees and the programs are locally designed and administered by a network of 1600 public and private non-profit agencies. Head Start has been an unequivocal success. A 1995 report by the Packard Foundation presented evidence that high quality early childhood education for low-income children in Head Start programs, provides a 15 percent increase over Fiscal Year 1999 for NIH, bringing its funding to $17.9 billion. This majority of this money will be seen by NIH researchers this year, rather than being until September 29, 2000, as originally reposed by the Republican leadership. Imagined is the impact of not funding research projects for almost an entire year. A year without cancer research, diabetes, lupus, this list goes on and on. Every day important break-throughs happen, and I am happy the Republican leadership did not sacrifice health research to balance the budget.

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

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

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

Sadly, this horrible disease has disproportionately affected minorities. The majority of individuals living with AIDS in New York City are people of color. African Americans are more than eight times as likely to have
HIV and AIDS, and Hispanics more than four times are likely. The most stunning fact I have read comes from the U.S. Department of Health and Human Services in October of 1998, when they reported that AIDS is the leading killer of black men age 25-44 and the second leading killer of black women aged 25-44. Together, Black and His-panic women represent one fourth of all women in the United States but account for more than three quarters of the AIDS cases among women in the country.

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

In my District, there is an organization that is actively reaching out to the community, both in treatment and services for AIDS sufferers and prevention programs for the community. Steinway Child and Family Services, Inc., serves many areas in Queens that are dev-asiated by high incidences of AIDS. The ma-jority of these people are low-income minori-ties who have historically received little, if any, assistance from funding.

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

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

I laud the Administration and the Republican leadership for appropriating $239 million to the Title X Family Planning program. This is a $24 million increase from last year. However, I must express my disappointment with the ma-jority on adding a provision to the Commerce-Justice-State section of the Appropriations conference report which allows phrasing to refuse to “prescribe” contraceptives on the basis of moral or religious beliefs. This is in complete opposition to the provision passed by recorded vote in the FY 2000 Treasury Postal Appropriations that provides contraceptive coverage to federal employees covered by the Federal Employee Health benefits Plan. Mr. Speaker, I also want to take a moment to address the measure which would give hos-pitals in the State of New York, teaching hospitals and other health care providers relief from cuts in Medicare payments that were enacted in the 1997 Balanced Budget Act.

This agreement provides an estimated $12.8 billion over five years in additional Medi-care payments for hospitals, health care agencies, managed care plans and other health care providers to help them restore the 5.7 percent cut in payments to hospital out-patient departments suffered as an unintended result of the Balanced Budget Agreement of 1997. Additionally, I am happy that the con-fERENCE committee was able to remove the egregious provision in the House passed version that would have severely impacted New York City's teaching hospitals. Rather than take away much needed funds from teaching hospitals that are perceived as re-source rich, this provision would have in-creased their medical care costs. The confERENCE agreement reduces inflation adjust-ments for hospitals with high doctor training costs. This cut is less than the original Sub-committees bill, which in turn is less dev-asiating to our hospitals. I urge Congress to revisit this harmful provision.

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

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

It is my hope that next year, we will be cele-brating the passage of the Conservation and Reinvestment Act (CARA) which will provide increased funding for the Land and Water Conservation Fund, urban parks and historic and wildlife preservation. These additional resources will greatly assist the peo-ple of my district. As the only New York mem-ber of the House Committee on Resources, I will continue my responsibility to the people of my state in fighting for key environmental projects like the LWCF.

Further, I am pleased that the Urban and Community Forestry Program at the Depart-ment of Agriculture continues to receive stable funding under this measure. Over the last four years, the Urban and Community Forestry pro-gram (U&CF) has provided more than $1 mil-lion to contain and prevent further tree loss associated with Asian Longhorned Beetle out-break in New York City. That includes pro-viding specially trained smoke jumpers to as-sist city foresters in checking the tops of trees for beetle infestation where they are more dif-ficult to detect. U&CF has also provided tech-nical assistance to help city officials plant and maintain trees, to educate the public about the Asian Longhorned Beetle with more trees being in-fested. This is why the Urban and Community Forestry program is so important. It aims to provide increased green space and shade for our urban residents.

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

Furthermore, I am pleased that an amend-ment I offered to the original Interior bill last year, requiring the Secretary of the Interior and their ability to receive grants from the National Endowment for the Arts was included in this final budget bill. My amendment would include urban minorities among the traditionally “un-deserved populations” who are given priority for services from the National Endowment for the Arts or awarding the NEA’s financial assistance projects and workshops that serve these communities.

My language specifies that “underserved populations” including African Americans, Latino Americans, Asian Americans, and other communities that are left untouched by the arts. Projects targeted at urban youth will greatly help keep these young people off the streets, and away from the lure of drugs and crime. The arts also help to break down barriers, bring communities together, and offer hope.

In conclusion, Mr. Speaker, the positive funding increases outweigh the short amount of time and assets of this Omnibus bill. There-fore, I support the measure and urge its pas-sage by the House of Representatives.

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

While I am concerned with the budget gim-micks that are being used to mask the size of the overall spending in this package, I will support the legislation because I believe that overall, this legislation will maintain a balanced budget and provide funds to address our surpluses in the future. This legislation rep-represents an attempt to do something that other Congresses never attempted to do. By resist-ing the historic temptation to spend the Social Security surplus, we have changed the terms of debate in Washington. Future Congresses will now work to maintain a balanced budget and protect all of the Social Security trust fund surplus.

Following the 1994 election, Congress in-herited a projected four-year budget deficit of $506 billion. In response, Congress with a Re-serve for the Growth of Federal spending and the President joined us in the 1997 balanced budget agreement. Limit-
continued strong performance of our economy helped to produce a net surplus of $63 billion in the Federal budget in fiscal years 1996 through 1999. In fiscal year 1999 the Federal Government enjoyed a $123 billion surplus, and the surplus is growing as we begin fiscal year 2000. Congress has ended the传统 spending frenzy of the late 1980’s and early 1990’s and Federal spending is more responsible today.

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

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

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

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

Most importantly, this bill provides very generous funding for those programs that help all children receive a quality education. Specifically, it provides $8.7 billion for Title 1, the program that helps educate our most disadvantaged students—an increase of $265 million over fiscal year 1999. In addition, State grants for the edook 13 percent—the highest level in the history of the program.

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

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

Of particular importance to many of Delaware’s hospitals, nursing facilities and other providers of health care is the budget fixes of the Medicare Refinement Act. This language ensures that America’s seniors will continue to receive high quality health care by correcting the funding concerns that inadvertently arose as the result of the Medicare reform legislation that I signed in 1997.

I am particularly pleased to note that the annual Medicare rehabilitation therapy caps will be lifted entirely for the next two years. This will ensure that those with multiple ailments can get the treatment they need to fully recover, rather than have to choose between the medications they need and the physical therapy they require.

In addition, this legislation maintains our hard-won commitment to fiscal responsibility and a balanced budget. Despite these compromises, this legislation maintains our ongoing commitment to double biomedical research, an increase of $265 million over fiscal year 1999, the bill increases funding for farmers affected by natural disasters, such as flood damage from Hurricane Floyd and crop loss from this summer’s drought.

Finally, this legislative package contains the Satellite Home Viewer Act which benefit thousands of Delawareans. Legislation has been necessary to remove the restrictions on satellite TV companies that prohibit them from carrying local network television stations. Many Delawareans who rely on satellites to receive quality TV reception must watch out-of-State news shows due to these restrictions.

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

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

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

Specifically, this provision would provide $134 million in fiscal year 2000 to States, who
in turn would distribute 100 percent of this funding to school districts, for (1) activities to provide assistance to schools which are failing academically, and (2) public school choice for all children in schools which are identified as “schools in school improvement” under Title I of the Elementary and Secondary Education Act. While I applaud this provision, I am concerned about its impact on Title I and our nation’s schools.

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

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

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

Mrs. CAPPS. Mr. Speaker, I rise in support of this legislation. The bill addresses a number of critical national and local priorities of which I will only highlight a few. It provides funding to continue putting 100,000 more teachers in our classrooms. It also allows school districts to target these funds to either the school districts with the highest numbers of schools in school improvement or through the existing Title I formula. It provides funding to the most disadvantaged areas. This provision would become effective immediately, and is not the way the House should do business. I expect the Department of Education to issue regulations or guidance which will target these funds to either the school districts with the highest numbers of schools in school improvement or through the existing Title I formula.

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Mr. PAUL. Mr. Speaker, I wish to take this opportunity to express my support for the bill.

Mr. CLAY. Mr. Speaker, I am pleased this Conference report also increases investment in critical education and labor initiatives above the last conference agreement. It provides $454 million for After School Centers, an increase of $154 million over the vetoed bill and $254 million over 1999. It provides $8.6 billion for Title I grants for the disadvantaged, an increase of $144 million over the vetoed bill and $116 million over 1999. It provides $136 million for Historically Black Colleges and Universities, an increase of $7.25 million over the vetoed bill and $12.7 million over 1999. It also provides $7.7 billion for Pell Grants to fund a maximum award of $3,300—the same as the vetoed bill and a $175 increase over 1999. In the Labor area, the bill provides $11.3 billion over last year's bill, more appropriate limits and boundaries of the State law was never intended to prevent people from doing a method of doing business, and physical apparatus design to carry out a method of doing business. The first inventor defense is intended to protect both method claims and apparatus claims.

The Omnibus bill rejects the devastating cuts on seniors, children, and young adults proposed only last month by the Republican majority. The Labor/HHS portion of this bill, which adds $7.3 billion over last year’s bill, more appropriate limits and boundaries of the State law was never intended to prevent people from doing a method of doing business, and physical apparatus design to carry out a method of doing business. The first inventor defense is intended to protect both method claims and apparatus claims.

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As the joint explanatory statement of the Conference Committee on H.R. 1554 notes, the provision “focuses on methods for doing business” in the context of businesses that developed and used such methods. Throughout the history of patents, methods have been protected from patent infringement and have been used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of software. As the joint explanatory statement notes, the provision “protects the development of a variety of pension and investment opportunities for millions of Americans. As the joint explanatory statement of the Conference Committee on H.R. 1554 notes, the provision “focuses on methods for doing business” in the context of businesses that developed and used such methods. Throughout the history of patents, methods have been protected from patent infringement and have been used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of software. As the joint explanatory statement notes, the provision “protects the development of a variety of pension and investment opportunities for millions of Americans.

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

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

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

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

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

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

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

The majority in this House even voted to suspend the rules that govern the budget process by forbidding the Congressional Budget Office from preparing this bill, which would let members know just how much all of these provisions will cost the taxpayers. According to the last CBO estimate of this bill, the majority would pass a bill that breaks their promise to leave untouched the Social Security Trust Fund. This bill includes clarifications to the Omnibus Appropriations Bill of 1999. This bill was on pace to spend $17 billion from the Social Security Trust Fund in Fiscal Year 2000. Given that the offsets in this bill do not reach this level, and that this bill relies on numerous questionable budget gimmicks to mask the overall effect on Social Security, I cannot support it. At the same time, there are numerous examples of wasteful, unnecessary spending projects—money that would be better spent on Social Security and Medicare.

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

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

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

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

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

Specifically, these provisions include a section based upon legislation, H.R. 1224, which I have sponsored, along with Representative CARDFIN, to ensure fair and equitable Medicare funding for residents being trained to be physicians. Section 541 of Title V of this bill would, for the first time, ensure that teaching hospitals, such as those at the Texas Medical Center, will receive higher Medicare reimbursements for their physician residents. Under current law, these graduate medical education and resident payments are based upon hospital-specific costs. As a result, teaching hospitals in Texas currently receive as much as six times less than those paid to hospitals in New York. This...
provision would fix this equity by establishing three new tiers of payments for residencies. For those teaching hospitals whose payments are more than 40 percent above the national average, their GME payments would be frozen for Fiscal Year 2001 and 2002. From Fiscal Year 2003 to 2005, their payments would be reduced by a factor of market basket minus 2 percent. For those hospitals whose payments are less than 40 percent of the national average, their payments would be increased to at least 70 percent of the national average.

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

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

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

This budget continues the Administration’s COPS program by including funding to help local communities hire up to 50,000 police nationwide. This program has been tremendously successful in dramatic police presence in urban areas. It is also very effective in public service-oriented law enforcement agencies. This program is also designed to combat illegal immigration, to help local governments handle the tremendous burden of illegal immigration, and to send a clear message to illegal aliens that they are not welcome in America.

This conference report also includes a provision to ensure that the State of Texas can keep $27 million to help states conduct outreach identifying Medicaid eligible children. The State of Texas has the highest uninsured rate of 24.5 percent of its population. The Texas Department of Health has determined that 800,000 of the 1.4 million uninsured children in Texas are Medicaid-eligible. Under existing law, the State of Texas and other states would lose up to $500 million on December 31, 1999 because of a sunset provision in the Welfare Reform Act of 1995. This measure eliminates this deadline while preserving the goal that Congress has decided to provide the incentives for 6.5 million uninsured children to enroll in Medicaid.

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

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

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

Unfortunately, the negotiators who had been working with the administration to develop a responsible budget plan for the next five years and beyond. The cumulative effect of all of the budget gimmicks and other fiscal shortcomings of this budget agreement will result in a reduction of at least $130 billion in debt held by the public, following the $123 billion in debt reduction achieved in fiscal year 1999.

A Rural Health Improvement Act, legislation intended to help rural health care providers continue to provide vital services to rural seniors. I am pleased that this package includes a number of the important rural health provisions that we included in our legislation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Further, the National Institute of Standards and Technology is funded at $639 million, which is important to government and commerce.

Mr. Speaker, this is by no means a perfect bill and the process has been deplorable. However, this bill does meet important priorities in health care, education, crime control, immigration, environment and foreign affairs. Furthermore, this bill ensures that we maintain a balanced budget, dedicating the surplus to debt retirement and preserving its use for strengthening Social Security and Medicare in the future. On that basis, I urge my colleagues to support this bill.
which is about 1.3% less than in fiscal 1999 but an increase of 46% above the amount in the House-passed bill. This includes funding for the Advanced Technology Program (ATP), which has been zeroed out in the House-passed bill. These appropriations are very important. Their inclusion is something I worked to achieve and I have liked to have been able to support them.

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

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

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

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

Mr. VENTO. Mr. Speaker, I rise in reluctant support of this bill. Approaching almost two months into the Fiscal Year 2000, we are forced to vote on this massive catchall spending bill which covers programs that would normally be funded by five separate appropriations bills. I am sure my colleagues and I in the House were not given the opportunity to study the revised language in the free-standing legislation. Rather, it was attached to the D.C. Appropriations Conference Report with various other unrelated measures, including hurricane relief funding. The reason I voted against H.R. 3194 is that the House wants to provide the citizens of eastern North Carolina with the necessary emergency aid to recover from the three major hurricanes. However, this measure does not go far enough in providing adequate relief to those individuals who need it the most.

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

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

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

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

I am pleased that I can, in good conscience, look favorably upon the provisions contained in this interior funding portion of this legislation. Although it does not address all of the concerns regarding many of the anti-environmental riders, the Democratic conference leaders and the Administration were successful in thwarting the most egregious of the riders to preserve the quality of our lands. Specifically, I commend the conference for choosing to fully honor the authority of the Clean Water Act intact regarding mountaintop mining, allowing the Bureau of Land Management to cancel, modify
or suspend grazing permits after their environmental review is complete and delaying the new formula for oil royalty valuation only until March 15, thus permitting implementation after nearly three years of GOP stalling to the benefit of the oil companies. In addition, I am also pleased that several additional funds have been added to the Land and Water Conservation Fund (LWCF) for high priority land acquisitions. Both the federal and state side portions of this program have been woefully under-funded for years. Hopefully this signals the end of that era and a renewed commitment to this vital LWCF law.

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

After three years of holding up UN arrears by linking up-fitting to family planning organizations, the President was forced to capitulate and prohibit funding for preventive family planning. The choice: lose the U.S. vote in the UN or pay the dues with restrictive, unworkable conditions. Unfortunately, this policy will result in an increase in unintended pregnancies, maternal deaths, and in abortions abroad. I will point out, however, that the President can waive these “Mexico City” provisions on the condition that overall family planning assistance would then be cut by $12.5 billion. I believe the President will find it necessary to do so to protect the predictable howls of protest by the proponents of these limits. Some it would seem want a political issue, not a workable policy.

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

Moreover, I especially applaud the inclusion of debt relief for the world’s poorest countries. Debt relief is one of the most humanitarian and no-brainer issues of our time. The agreement is very similar to the final product of H.R. 1095, which passed out of the Banking Committee earlier this month. Albeit the agreement deleted regretfully several amendments to the bill, including my amendment which requires the President to take into account a nation's record on human and worker's rights before granting debt relief.

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

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

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

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

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

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

The Congress also should have acted this year to extend prescription drug benefits to the elderly, too many of whom are being forced to choose between food and medicine. Most Americans support this, I support this, the President supports this. A major reason prescription drug coverage is not included in this bill is that the Republican Leadership does not support it. It’s ironic that the Majority spent most of this year trying to push through a massive and irresponsible tax cut that chiefly benefited the very richest people in America, but was unwilling to even discuss a Medicare prescription drug benefit. The American people want this benefit. The choice: lose the U.S. economic security and the number of children going hungry has actually increased. We should have taken action on all these fronts this year.

Finally, I’d be quite impressed, despite the repeated claims of the Majority that they are not spending even one dime of the Social Security surplus, the fact is that this agreement falls short of their rhetoric. As with the previously adopted appropriations bills, the budget package before us contains billions of dollars in accounting gimmicks. The only purpose is to disguise the real cost of this legislation. I don’t think anybody is fooled by all the smoke and mirrors. What is the point of having a budget process when the Leadership of this body consistently refuses to follow it? I will vote for this agreement, but I do so reluctantly. At the end of the day, the last leg of this session of Congress will be shaped more by what we failed to accomplish this year than what we’re doing in this legislation today.

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

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

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

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

I am also pleased that this legislation rectifies some of the consequences of the
1997 Balanced Budget Act for Medicare benefici-
aries and providers.

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

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

I am also concerned that in some areas, we may not have done enough. In the area of quality, this bill moves backward rather than forward. The promises of the Republican leadership to work with us to ensure the Medicare provisions of this bill are paid for, the bill will shorten the life of the Medicare Trust Fund and increase premiums to seniors. Apparently, fiscal responsibility only suits the Republican Party when it is convenient.

Now who needs what other nefarious provisions lurking within the dark corners of this bill?

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

For women with breast or cervical cancer, however, this bill is inadequate. We had the opportunity to include a bill by my colleague Ms. ESHOO that would have provided great assistance to our local hospitals and would have helped special interests and are known only to Americans. This measure also contains language allowing consumers choices when it comes to getting their television signals. As a member of the Telecommunications Subcommittee I worked to ensure that consumers can receive local television stations and further worked to ensure that they will not lose their television signals.

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

Mr. KLEczKA. Mr. Speaker, we have apparently not learned from history. Omni-

Another important provision that I was able to include in H.R. 3624 are tremendously impor-
tant to the people in my district. I want to com-

I have worked closely with Chairmen BIL-

Another important provision that I was able to help get included is the prohibition on the Public Broadcast Stations from sharing their donor lists with political parties or outside par-
ties without the donors consent. We must en-

This appropriation package also provides for the most vulnerable seniors in the Medicare program and an agreement to permit satellite TV carriers to transmit the signals of local broadcast stations back to subscribers in the same local market, the negative aspects out-weigh the good and therefore I must op-

The Republican leadership made a hand-

I am also concerned that Congress did not learn from history. The Omnibus Appropriations Bill 2000 is consid-

I am also concerned that the DSH agreement that they would not include dairy legislation on any appropriations bill. They have gone back on their word by attach-

Mr. Speaker, my modest experience as a legislator teaches me that even the best legis-

Mr. SPEARNS. Mr. Speaker, I have tried to as-

Mr. Speaker, I have tried to accomplish for several years and I am pleased that it is moving for-

The Medicare Balanced Budget Refinement Act will provide much needed relief to Medi-

care beneficiaries and providers alike. It may not provide everything that has been re-

Another important provision provides pay-

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

Mr. STEARNS. Mr. Speaker, is this a per-

I am also successful in securing funding for an aircraft training at an Aviation/Aerospace Center of Excellence project operated by the Florida Community College at Jacksonville uti-

Perhaps the most egregious parts of this bill are the accounting gimmicks used to "pay for" the programs within the bill. The .38% across-the-board spending cut allows the individual agencies and departments to determine which programs and accounts shall be subject to the spending reduction. However, no project can be cut by more than 15%. This means that
wasteful and inappropriate pork-barrel spending projects, such as Naval ships not even requested by the Navy, cannot be targeted for elimination. Another troubling gimmick is the bill's use of forward funding. Delaying payments for defense procurement, delaying veterans' medical care obligations, and rescinding Section 8 housing program funds are just a few of these accounting gimmicks which add up to over $4 billion. Further so-called "savings" are achieved by delaying the paychecks of our military personnel and payments made to recipients of social services block grants.

Furthermore, roughly one-third of all education funding being spent this fiscal year is counted against next year's spending caps. This will spend nearly $12.4 billion that will not be counted until next year, subverting the budget caps. This too, sends funds from the Social Security Trust Fund—for an activity the government has performed like clockwork for every ten years for over 200 years! Not only is the Census called an "emergency," but also included in the long list of surprise spending by the government are funds for the Head Start program and the Low-Income Home Energy Assistance program.

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

Mr. POMEROY. Mr. Speaker, I rise in opposition to H.R. 3194, a $385 billion omnibus appropriations bill for fiscal year 2000. Although the bill includes many beneficial provisions that I support, I am opposed to advancing the bill in its current form. This bill not only does not take much of what has been tied to a package that is deeply flawed in both procedure and substance.

This bill violates a rather simple rule of good legislating—members ought have the opportunity to review legislation before they are asked to cast their vote. They clearly have not had that opportunity here. This mammoth bill, more than a foot thick and thousands of pages long, was filed after 3 a.m. this morning. It became available to view only a few short hours ago. Is it too much to ask that they be given the opportunity to review this legislation, and, as a result, we are voting without the benefit of an official cost estimate. The previous CBO report, however, that did not include the additional spending added in negotiations with the White House, estimated that the surplus generated by Social Security will be tapped for $17 billion.

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

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

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

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

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

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

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

While this appropriations bill is good for education and does make good on our commitment to the United Nations, this bill also contains a provision that compromises women's rights around the world. Republican legislators, in their zeal to limit women's rights, left the President no choice but to accept a budget compromise that links the payment of the United Nations dues with restrictions on international family planning. That is wrong.

This compromise is a bad deal for women around the world. Family planning shouldn't be linked to United Nations dues. It has nothing to do with family planning. This is about our fundamental responsibility to support the United Nations. This is not a trade-off.

Mr. Speaker, women are not negotiable. The Republicans need to stop attacking women's rights and they need to start living up to our international obligations—no strings attached.

By adopting this appropriations language linking the payment of our United Nations dues to restrictions on family planning, we set a dangerous precedent. Once legislative language is adopted, it will be hard to remove. Further, the waiver provision will be meaningless in the future if there's an anti-choice President in the Oval Office. That is only as strong as the President who would sign it.

For every step backward that we are forced to take on family planning, we will have to take two steps forward to maintain progress. The Republicans' disappointment by the political posturing that created this budget deal only hurts women. But make no mistake about it, the women of this House are as committed as ever to protecting the rights of women around the world.

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

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

That was two vetoes and three conference reports ago. Ironically, the D.C. Budget became a necessary vehicle for other matters. The D.C. Budget incorporates all appropriations for the District of Columbia. This includes not only federal funds, but all locally generated revenue as well, which accounts for most all of the Budget. This local part of the D.C. Budget was passed in consensus form by the city's elected leaders and the Control Board.

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

The resources in this budget will help the Nation as it continues its reform efforts. While much progress has been made in the District, there are still enormous problems which must be addressed. The D.C. Subcommittee I chair will hold a hearing on December 14 to gather information on many of these questions.

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

The existing provisions of the Satellite Home Viewer Act allow satellite carriers to retransmit copyrighted programming for a set fee to a narrowly defined category of customers. The Act thus represents an exception to the general principles of copyright—that those who create works of authorship enjoy exclusive rights in them, and are entitled to bargain the marketplace to sell those rights. The Act has continued to be the same as it is in the current statute, i.e., a household that cannot receive, through the use of a properly working, stationary outdoor rooftop antenna that is pointed toward the transmitter, a signal of at least Grade B intensity as defined in Section 73.68(a)(3) of the FCC's rules. The courts have already interpreted this provision and nothing in the Act changes that definition. The "Grade B intensity" standard is and has always been an "objective" signal strength standard—not, as some satellite carriers claimed, a subjective picture quality standard. (In fact, as the courts have discussed, Congress expressly rejected a subjective standard in first enacting the statute in 1988.) The objective Grade B intensity standard has long been used by the FCC and the television engineering community to determine the level of strength needed to provide an acceptable television picture to median, unbiased observers. Few, if any, subscribers in urban and suburban areas qualify as "unserved" under this objective, easy-to-administer definition.

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

To help local viewers in North Carolina and across the country, and to assist satellite companies in competing with cable, I have worked long and hard to get a new copyright statutory license that will enable local-to-local retransmissions. Today, we can finally celebrate the fruits of our efforts over many months of hard work and negotiation. The bill before the House reflects a carefully calibrated set of provisions that will, for the first time, authorize TV stations to be retransmitted by satellite to the viewers in their own local markets. The bill will also extend, essentially unchanged, the current distress signal compulsory license in Section 119 of the Copyright Act. The only significant changes to that provision are that (1) the mandatory 90 day waiting period for cable subscribers will no longer be part of the law; (2) royalty rates for distant signals will be reduced from the marketplace rates currently in effect; (3) a limited, specifically defined category of subscribers subject to recent court orders will have delayed termination dates under the bill; (4) the bill will limit the number of distant signals that a satellite carrier may deliver even to "unserved households"; and (5) the bill will require satellite carriers to purchase rooftop antennas for certain subscribers turned off by court order. Except for these specific changes in Section 119, nothing in the law we are passing today will take away any of the rights and remedies available to the plaintiffs in copyright infringement litigation against satellite carriers. Nor will anything in the bill (other than the specific provisions I have just mentioned) require any change whatsoever in the manner in which the courts have enforced Section 119.

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

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

Now we as members of Congress, have been asked to fix this problem created by satellite industry lawbreaking. The bill reflects the conferees' best effort to find a solution to a problem that the satellite industry has created by signing up millions of ineligible customers. Unfortunately, the solution the conferees have devised—temporary grandfathering of certain categories of ineligible subscribers—may amount to rewarding the satellite industry for its own wrongdoing. I find this very troubling, even though I understand the impulse to protect consumers who have been misled by satellite companies into believing that essentially everyone is eligible for distant network signals. In any event, let me be very clear: with the exception of delayed termination dates for certain subscribers, nothing in this bill in any way relieves any satellite company from any remedy whatsoever for any lawbreaking, past or future, in which they may engage. To list just a few, nothing in the bill will relieve any satellite carrier from any court order (a) requiring immediate termination of ineligible small-dish subscribers predicted to receive Grade A intensity signals from any station of the relevant network, (b) requiring strict compliance with the Grade A intensity standard and for all signups after the date of the court order, (c) requiring the payment of attorney's fees pursuant to Section 5.5 of the Copyright Act or payment for testing costs pursuant to Section 119(a)(9), or (d) imposing any statutorily mandated remedy for any willful or repeated pattern of conduct committed by a particular satellite carrier. Congress has determined the outer limits of permissible grandfathering in this bill, and courts...
need not entertain an arguments for additional grandfathering. And I should emphasize that the only subscribers that may have service re¬stored pursuant to the grandfathering provi¬sions of this Act are those that have had their service terminated as a result of court orders, and not for any other reason.

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

The Act requires that satellite carriers that have turned off ineligible subscribers pursuant to court decisions under section 119 to pro¬vide those subscribers with a free rooftop an¬tenna enabling them to receive local stations over the air. This provision may redress, to use Senator Dash’s words, “a minor fraction of American television house¬holds.” I understand that the parties to the suit to continue to use the accurate con¬sumer-friendly prediction and measurement tools developed by the FCC for determining whether particular households are served or are not served. I understand that the parties to court proceedings under Section 119 have al¬ready developed detailed protocols for apply¬ing those procedures, and nothing in today’s legislation requires any change in those proto¬cols. The Commission is able to reaffirm its al¬ready very accurate “ILLR” predictive model to make it even more accurate, the courts should apply those further refinements as well. But in the meantime, the courts should use the accurate, FCC-approved tools that are al¬ready available in the same way in which they are now. As I mentioned, nothing in the Act requires any change whatsoever in the manner in which the courts are using those FCC-endorsed scientific tools.

The Act does authorize the Commission to make nonbinding suggestions about changes to the definition of Grade B intensity. (The def¬inition of Grade B intensity is, of course, sepa¬rate from FCC decisions concerning particular methods of measuring or predicting eligibility to receive network programming by satellite, which have been made in the Report and order discussed in detail.) Any sugges¬tions from the FCC about the definition of Grade B intensity will have no legal effect whatsoever until and unless Congress acts on them and incorporates them into the Copyright Act.

I want to thank the chairman of the com¬mittee on the Judiciary, the gentleman from Illinois (Mr. HYDE), the ranking member of the Committee, the gentleman from Michigan (Mr. CONyers), as well as the subcommittee ranking member, the gentleman from California (Mr. BERMAN) for their support and leadership throughout this process. I also want to recognize the contribu¬tions of the leadership of the gentleman from Virginia (Chairman BILLEY); the ranking mem¬ber, the gentleman from Michigan (Mr. DINGELL); the subcommittee chairman, the gen¬tleman from Louisiana (Mr. TAuzIN); the gen¬tleman from Ohio (Mr. OXLEY); and the ranking member, the gentleman from Massachusetts (Mr. MURPHY) who thoughtfully to bring this to the Floor. Finally, I want to thank my fellow Subcommittee members, the gen¬tleman from Virginia (Mr. GOODLATTE and Mr. BOUCHER) for their service on the committee of conference. I urge all Members to support this constituent-friendly legislation.

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

I did not come to Congress to engage in business as usual. The people of Kansas’ Third District expect more of us. As Congress has done for too many years, today it will be voting on a bill estimated at 2,000 pages, which no one in this chamber has read, or even permit an any change in the methods of measuring or predicting eligibility to receive network programming by satellite, which have been made in the Report and order discussed in detail.) Any suggestions from the FCC about the definition of Grade B intensity will have no legal effect whatsoever until and unless Congress acts on them and incorporates them into the Copyright Act.

The conferes and many other members of this body have worked hard to achieve the carefully balanced bill now before the House. We have spent the better part of four years working with representatives of the broadcast, cable, and satellite industries; the Copyright Act amendments also direct the courts to continue to use the accurate con¬sumer-friendly prediction and measurement tools developed by the FCC for determining whether particular households are served or not served. I understand that the parties to court proceedings under Section 119 have already developed detailed protocols for apply¬ing those procedures, and nothing in today’s legislation requires any change in those proto¬cols. The Commission is able to reaffirm its al¬ready very accurate “ILLR” predictive model to make it even more accurate, the courts should apply those further refinements as well. But in the meantime, the courts should use the accurate, FCC-approved tools that are al¬ready available in the same way in which they are now. As I mentioned, nothing in the Act requires any change whatsoever in the manner in which the courts are using those FCC-endorsed scientific tools.

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

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

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

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

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

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

Mr. CROWLEY. Mr. Speaker, I rise today to express my disappointment in the so-called compromise worked out between the White House and the Republican leadership on the payment of U.S. arrears to the United Nations. I do not believe that this package provides the right solution at the right time; however, passing this legislation in an effort to help them directly punishes the farmers in my district, in my state, and throughout the Midwest. This is completely unacceptable and therefore, I must vote against it.

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

Do not be fooled by this slight of hand, there is no compromise. All this does is codify the Smith Mexico City policy in legislation for the first time and include a Presidential waiver that will result in a funding reduction. A fund-
As part of the compromise, the administration won the right to waive this restriction if it chooses. But even with the waiver, no more than $12.5 million in American assistance will be paid. First, the proposals extended in all aid organizations engaged in abortion services or lobbying. That is about the amount such groups got last year. Another part of the deal stipulates that if the administration fails to make all the $385 million budgeted for aid to women’s health groups will be reduced by $12.5 million.

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

Senate Republicans, including committed abortion foes like Senator Jesse Helms, behaved more reasonably than their House colleagues. But even House Republicans’ actions can be seen as a fact that the House is in the hands of anti-abortion crusaders in the House who were willing to hold American foreign policy to their ideological agenda. Although part of only a one-year spending bill, the language is likely to reappear in future years unless a majority of House members vote to exclude it.

Mr. CASTLE. Mr. Speaker, I am pleased to report the Foreign Operations Conference Report, which has emphasized that “closely linked to democracy-building and economic development. Our contributions leveraged with those of other donors to the programs of the World Bank and in Sub-Saharan Africa have reinforced economic and infrastructural development across the continent. The increase aid and debt relief for Sub-Saharan Africa has significant implications for the United States. First, the progress realized to date, has stimulated growing interest and opportunities for U.S. business. Second, the emergence of more stable, more democratic governments has given us responsible partners with whom we can address the full range of regional and international issues: settling or preventing conflicts; combating crime, narcotics, terrorism, and weapons proliferation; protecting and managing the global environment; and expanding the global economy.

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

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

It is a victory for Pope John Paul II, who has said: “Christians will have to raise their voice on behalf of all the poor of the world, proposing the jubilee as an appropriate time to give thought, among other things, to reducing substantially, if not cancelling outright, the international debt that seriously threatens the future of many nations.” It is a victory for Bread for the World and Oxfam, who have helped consistently and effectively for “using U.S. leadership internationally to provide deeper and faster debt relief to more countries, and directing the proceeds of debt relief to poverty reduction.”

It is a victory for the United Church of Christ, which has termed debt relief “one of the most pressing moral and political challenges of our time” (John H. Thomas, President).

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

It is a victory for the U.S. Catholic Conference, which has stated, “we cannot let the new millennium begin without offering hope to millions of poor people in some of the world’s most impoverished regions that the crushing burden of external debt will soon be relieved.” Had it not been for the concerted effort of the Jubilee 2000 Movement, including the nongovernmental private and voluntary organizations (NGOs) and the ecumenical array of church and faith-based organizations that have been pushing so hard for debt relief, we would never have gotten to this point. The following organizations and many others fully support this in this victory and I am truly grateful for their efforts: the U.S. Catholic Conference, The Episcopal Church, The Lutheran Church in America, Lutheran World Relief, National Council of Churches, Oxfam America, Presbyterian Church (USA), United Church of Christ, United Methodist Church, American Jewish World Service, and the Catholic Relief Service.

In enacting this legislation, we have responded to a moral and a practical imperative. The increasingly wide gap between the world’s richest and poorest is both unjust and undermining democracy and some governments are now saddled by these overwhelming debts. As a result, the world’s poorest countries are saddled by these overwhelming debts and are left only through military expenditures, but also to meet their debt service obligations; increasing Sub-Saharan aid and debt relief in an informal forum where mainly industrial creditor countries discuss the settlement of official loans to countries unable to meet their debt service obligations; Senator efforts to impose unreasonable trade policies on recipient countries, which would severely restrict debt relief efforts, have been defeated.

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

While we should enjoy this victory, we must never forget that the fact which remains to be done. The agreement does not contain money for the HIPC Trust Fund, nor are such funds authorized. While the agreement provides for $123 million for bilateral debt relief for FY 2000, the Administration had requested $370 million and is seeking $970 million for next four years. We need to fully meet that standard. Finally, the agreement provides for use of a large portion of the resources coming from revaluation of the IMF gold for debt reduction, but only a portion.

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

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

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

When debt relief is debated, there is always some concern that creditors create a “moral hazard” when they forgive the debts of others. The forgiveness of debt can encourage "moral hazard" when they forgive the debts of some creditors, but a resulting exercise in IMF gold holdings. Today I am particularly pleased because the debt relief provisions of the omnibus bill substantially reflect the Banking Com-
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the future. However, in this circumstance, it is important to distinguish that the debt burden these countries face is so great that it would be impossible for them to repay. This is a form of international bankruptcy for these countries. The international community has recognized that, instead of government programs, these future loans are not likely. Rather, grants are and will continue to be the form of assistance these countries receive.

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

Mr. Speaker, although I continue to support H.R. 1095, it is my intention to support efforts to restore the economic reform conditions before it was sent to the House of Representatives.

Mr. COBLE. Mr. Speaker, I am pleased to rise in support of S. 1948, which will be enacted by reference upon the enactment of H.R. 3184. S. 1948, the “Intellectual Property and Communications Omnibus Reform Act of 1999,” is a balanced compromise. It is an honest effort to address the future of the Internet service industry. If we are to support the Internet service industry, we must also do so in a way that preserves the intellectual property system and the economic incentive it provides.

On balance, this is a very good bill. This legislation will have a tremendous beneficial effect on the citizens of this country, whether they are subscribers to satellite television, inventors, brand owners, or Internet users. Title I of S. 1948, the “Satellite Home Viewer Improvements Act,” creates a new copyright license for local signals over satellite and makes necessary changes to the other television copyright licenses.

Compulsory licenses constitute government-imposed licenses, because that license was created by sections 111 and 119 of the Copyright Act as they applied before the enactment of the Copyright Act, pursuant to Article I, section 8, clause 8 of the Constitution. Nothing prevents the Copyright Office from negotiating directly with creators for such services. Nothing prevents Internet users from negotiating directly with creators for such services. Nothing prevents the Copyright Office from undertaking that examination in the course of granting licenses. The Copyright Office, which administers these compulsory licenses, studied this issue exhaustively in 1997 and came to the same conclusion, which it reaffirmed in a letter to the Committee.

As originally drafted, H.R. 1095, it is my intention to support efforts to restore the economic reform conditions before it was sent to the House of Representatives.

Mr. Speaker, although I continue to support H.R. 1095, it is my intention to support efforts to restore the economic reform conditions before it was sent to the House of Representatives.

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

We are currently prepared to consider other means of expressing the same conclusion in statutory language, but one way or
The Conference Report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999, included amendments to Sections 111 and 119 to state that digital communication services do not fall within the definitions of "satellite carrier" and "terrestrial system" (currently "cable system") and, therefore, do not enjoy compulsory licensing. I understand that Congress is currently considering deleting these amendments or enacting legislation that would not include them. I believe that the amendments were wholly unnecessary and that the deletion or exclusion of them will have no effect on the law. However, because digital online communication services are not entitled to the statutory license under either Section 111 or 119 of the Copyright Act.

A compulsory license is an extraordinary departure from the basic principles underlying copyright law and a substantial and significant encroachment on a copyright owner's property rights. Any uncertainty in the applicability of a compulsory license should be resolved against those seeking to take advantage of what was intended to be a narrow extension of the copyright owner's exclusive rights. As the Fifth Circuit Court of Appeals has noted in a case involving another compulsory license provision, the text of the compulsory license provision is a limited exception to the copyright holder's exclusive right to decide who shall make use of his work. Congress, acting narrowly, lest the exception destroy, rather than prove, the rule.


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

And if there was any doubt left in anyone's mind, the federal agency interpreting and implementing these statutory licenses, the United States Copyright Office, has addressed this issue directly: retransmitting broadcast signals by way of the Internet is clearly outside the scope of the current compulsory licenses. In fact, the Copyright Office recommended in 1997 that Congress not even create a new compulsory license, concluding that it would be "inappropriate for Congress to grant Internet retransmitters the benefits of compulsory licensing." U.S. Copyright Office, Report of the Copyright Licensing Regimes Covering Re-transmission of Broadcast Signals (August 1, 1997), at 90 and Executive Summary at xiii.

My work in the field of copyright over the past decades, especially my extensive activities in connection with the development of the legislation that became the Copyright Act of 1976, leads me to conclude that the Copyright Office’s conclusions that it would be far too premature to extend a compulsory license to the Internet. That conclusion is sound given the enormous differences between the Internet and the industries embraced by the existing licensing provisions and the need to provide extensive regulations regarding the potentially enormous implications of digital communications. We simply
do not know enough to legislate effectively at this point. Doing so at this time—especially without hearing from numerous affected interests—would create a risk of upsetting the delicate balance between the rights of copyright proprietors and the interests of others.

Thus, in any judicial action, that might materialize by way of the providers of digital online communications services, the court would be bound by the Copyright Office's interpretation of the statutory licenses. See Cablevision Systems Development Co. v. Voom, 536 F.3d 599, 609-610 (D.C. Cir. 1988) (deferring to the Copyright Office's interpretation of Section 111’s “meaning” of the statutory licenses held by the Copyright Office). Consequently, the status quo with respect to the compulsory licensing scheme are binding on the courts.

In summary, based on the unmistakable fact that digital online communication services are ineligible for the cable and satellite compulsory licenses and the identical, unequivocal interpretation by the Copyright Office, amendments to the existing statute that would extend the compulsory licenses to these services would be held to be an unconstitutional delegation of Congress’s authority to interpret the provisions of the Copyright Act, Satellite Broadcasting and Communications Assoc. v. Owens, 17 F.3d 344, 345 (11th Cir. 1994) (holding that valid exercises of the Copyright Office’s statutory authority to interpret the provisions of the compulsory licensing scheme are binding on the courts).

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

The vote was taken by electronic device, and there were—yeas 219, nays 209, not voting 4, as follows:

[Roll No 609]

YEAS—212

Ackerman
Allen
Baca
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Bunning
Bonior
Borski
Brower
Bouchard
Boyda
Brown (FL)
Brown (OH)
Caucano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummins
CunNINGHAM
Davis (FL)
Davis (IL)
DeGette
Delahunt
Delaurio
Deutsch
Dick
Dixon
Driscoll
Dubinsky
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fallah
Filner
Forbes
Ford
Frank (MA)
Franks
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Gutierrez
Hall (OH)

NAYS—219

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Balenger
Bar
Barrett (NE)

Blunt
Boehmert
Boehner
Bonilla
Bond
Bryant
Burton
Buyer

Section 111, noted that the committee’s deliberations did not include consideration of the implications of the Copyright Office’s interpretation of the statutory licenses, which would be binding on the courts. See Cablevision Systems Development Co. v. Voom, 536 F.3d 599, 609-610 (D.C. Cir. 1988) (deferring to the Copyright Office’s interpretation of Section 111’s “meaning” of the statutory licenses held by the Copyright Office). Consequently, the status quo with respect to the compulsory licensing scheme are binding on the courts.

In summary, based on the unmistakable fact that digital online communication services are ineligible for the cable and satellite compulsory licenses and the identical, unequivocal interpretation by the Copyright Office, amendments to the existing statute that would extend the compulsory licenses to these services would be held to be an unconstitutional delegation of Congress’s authority to interpret the provisions of the Copyright Act, Satellite Broadcasting and Communications Assoc. v. Owens, 17 F.3d 344, 345 (11th Cir. 1994) (holding that valid exercises of the Copyright Office’s statutory authority to interpret the provisions of the compulsory licensing scheme are binding on the courts).

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

The vote was taken by electronic device, and there were—yeas 219, nays 209, not voting 4, as follows:

[Roll No 609]

YEAS—212

Ackerman
Allen
Baca
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Bunning
Bonior
Borski
Brower
Bouchard
Boyda
Brown (FL)
Brown (OH)
Caucano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummins
CunNINGHAM
Davis (FL)
Davis (IL)
DeGette
Delahunt
Delaurio
Deutsch
Dick
Dixon
Driscoll
Dubinsky
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fallah
Filner
Forbes
Ford
Frank (MA)
Franks
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Gutierrez
Hall (OH)

NAYS—219

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Balenger
Bar
Barrett (NE)

Blunt
Boehmert
Boehner
Bonilla
Bond
Bryant
Burton
Buyer
Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 385, I call up the joint resolution (H. J. Res. 83) making further continuing appropriations for the fiscal year 2000, and for other purposes, a copy for its immediate consideration in the House. The Clerk read the title of the joint resolution.

The text of House joint Resolution 83 is as follows:

H. J. Res. 83

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

The SPEAKER pro tempore. Pursuant to House Resolution 383, 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).

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

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

There was no objection.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

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

The Clerk reads the amendment as follows:

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

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

There was no objection.

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

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

The Clerk reads as follows:

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

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

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

There was no objection.
Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

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

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

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

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

Mr. OBEY. So it is purely technical?

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

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

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

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

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

There are many more staff on the Committee on Appropriations that I would like to now recognize for the excellent work that they do.
from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during Fiscal Year (FY) 1998, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476).

Aeronautics and space activities involved 14 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

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

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

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

William J. Clinton.

The White House, November 18, 1999.

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

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

The SPEAKER pro tempore. Is there objection to the removal of the gentleman from Georgia? There was no objection.
of the American people. Grounded by that tradition and honored by the opportunity, we are thankful to the Members who have gone before us, and we look forward to the new millennium and meeting the challenges facing the American people in the 21st Century. I am grateful for my colleagues on the Committee on Rules.

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

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

Mr. Speaker, I thank the gentleman from Texas. I reserve the balance of my time.

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

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

This is one more victory in a string of health care achievements that the Republican Congress has guided into law. We strengthened Medicare, we made health insurance more portable, we passed tax breaks for long-term health care and to cut health insurance costs for people who buy their own health insurance, unfortunately, only to see all those vetoed by the President. And now we have modernized a key program for people with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

The Clerk read the title of the bill. The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 387, the conference report is considered as having been read. (For conference report and statement, see proceedings of the House of November 17, 1999, at page H12174.)

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

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

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

There was no objection.

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

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

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

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

GENERAL LEAVE

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

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

There was no objection.

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The Chair recognizes the gentleman from Texas (Mr. ARCHER).
Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. Ramstad), a member of the committee.

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

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

Thanks to the leadership of the gentleman from Texas (Mr. Archer) and the bipartisan support for S-Corporation ESOPs in Congress on the Committee on Ways and Means and in the full body, the administration’s misguided proposal was soundly rejected in negotiations over this extenders package.

Mr. Speaker, I rise in strong support of the gentleman from Texas (Mr. Archer) and the bipartisan support for S-Corporation ESOPs in Congress on the Committee on Ways and Means and in the full body, the administration’s misguided proposal was soundly rejected in negotiations over this extenders package.

Mr. Speaker, I am pleased that Congress resisted the administration’s plan to dismantle ESOPs, because they are highly effective retirement savings programs. We are going to be back with this next year, and again I thank the chairman for his leadership.

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

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

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

Mr. Speaker, I was hoping that on this last bill, that the gentleman from Texas (Mr. Archer) and I have worked together not as a Democrat or Republican, but we worked together as tax writers, and with the help of the Administration we were able to get these provisions paid for. We were able to put it in in a responsible way.

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

But I disagree with the gentleman on the one good provisions. What are they? The extensions of existing law; that the gentleman and I worked together not as a Democrat or Republican, but we worked together as tax writers, and with the help of the Administration we were able to get these provisions paid for. We were able to put it in in a responsible way.

So what I would like to say to the gentleman from Texas (Mr. Archer) is that he has no idea the pleasure it has been working with him on these positive things. And the only reason I stand up to point out some differences with them is because I would appreciatively call them Republican initiatives. The good ones are the bipartisan initiatives; the bad ones belong to the other side.

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

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

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

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

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CONGRESSIONAL RECORD – HOUSE

H12825

strong bipartisan majority of the Ways and Means Committee.

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

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

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

Mr. Speaker, I can’t tell you how long I have walked, along with many of my friends with disabilities in Minnesota, for this day. As many of my colleagues know, I have been working hard to help people with disabilities live up to their full potential since my election to this body in 1990, and as a Minnesota State Senator for 10 years.

As I have reminded my colleagues before, it was nine years ago that President Bush signed it into law and said, “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 by denying them a regular paycheck, paying taxes and moving off public assistance actually results in reduced federal revenues.

People with disabilities have to make decisions based on financial reality. Should they consider returning to work or even making it through vocational rehabilitation the risk of losing vital federal health benefits? Often, people are too afraid to seek the help they need.

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

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

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

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

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

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

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

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

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

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

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

I hope that HHS will not have to follow the language because it is inconsistent with their regulations today. Otherwise, I think we are going to jeopardize the health of the critically ill individuals.

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

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

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

I want to thank many members on both sides of the aisle, the gentleman from Connecticut (Mrs. Johnson), the gentleman from Minnesota (Mr. Ramstad), the gentleman from California (Mr. Matsui), and the gentleman from California (Mr. Waxman) for working in a bipartisan fashion on the Work Incentives Improvement Act.

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

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

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

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

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

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

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

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

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

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

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

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

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

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

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

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

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

I commend the gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means, for seeing this bill to the successful conclusion. It's been a real pleasure to work with the gentleman from New York (Mr. RANGEL) whose understanding and support this bill. Credits to Puerto Rico and U.S. possessions, minimum tax relief for individuals, permitting full use of personal nonrefundable credits, welfare-to-work tax credits, work opportunity tax credits, a number of initiatives that I think will stimulate the economy, continue us on our road to prosperity, continue to see additional revenues to the Treasury so we can continue to reduce the debt of the American taxpayers to increase and enhance investment in America.

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

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

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

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

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

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

The revised regulation would not become final until 42 days after enactment, sufficient time to enable the bill's opponents, if necessary, to make further modifications.

Now we are witnessing an end run by opponents to this proposal with regard to organ allocation policy.

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

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

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

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

The same Members who decry political or bureaucratic involvement in organ allocation policy when they have HHS in mind are stunningly silent when it comes to allocation policies which are in their possession.

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

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

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

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

The Work Incentives Act has overcome many obstacles in its legislative history. It is the hallmark because it is based on good policy and because it will make a difference of lives of people with disabilities. For that reason, I support it.
Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW), the respected chairman of the Subcommittee on Social Security of the Committee on Ways and Means.

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

Mr. Speaker, this legislation is about work. Its goal is to help individuals with disabilities work and support themselves and support their families. Today in ten adults with disabilities work, compared with eight in ten adults without disabilities. A big reason is Government programs take away cash and medical benefits if disabled individuals find and keep jobs. That must change. And it will change under this bill that is before us today.

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

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

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

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

I urge all Members to support this bill.

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

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

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

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

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

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

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

Nothing is perfect. This bill could have been much cleaner to that ideal if the Republican leadership had not co-opted it with a moratorium on the organ allocation bill. And there is a user fee provision that may reduce the number of attorneys willing to represent disabled clients. It is not a particularly well thought out provision.

But overall, Mr. Speaker, the bill is a first step toward making the disabled to work and then, for example, if there is a problem, they still have the ability to get on their feet. My son who is disabled simply wants to have his day in court. We were at a memorial giving tribute to those who had served in the military who lived in the Heights area. After the program, she came up said, “What is the progress, when will you pass the Work Incentives Improvement Act?” My son wants to be independent. My son wants to get on his feet. My son who is disabled simply wants to have his day in the sun.”

And so this particular bill is of great relief to her and her family. It is a ticket to work and self-sufficiency program. And in fact over the years that I have been in Congress, I have enjoyed meeting with some of the physically and mentally disabled or challenged who have come to have simply been allowed to do work and then not to lose their health benefits. That is their greatest crisis. In order for them not to be dependent, they need to have this kind of support system.

I support this effort that will expand beneficiaries’ access to public and private vocational rehabilitation providers and to employment service providers acting as employment networks under the program, and I support particularly the aspect of this bill that allows the disabled to go off and work and then, for example, if there is a problem, they still have the ability to come back within a 60-month period and get the benefits that they need without filling a new application. This is long overdue.

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

The conference report on H.R. 1180, Work Incentives Improvement Act is a true measure of state-of-the-art inventions. That drives economic leadership. And that drives good jobs, high-paying jobs, and a successful America.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time. I guess I would like to focus on the dignity that this bill gives to many Americans who simply want a chance. I thank the ranking member. I thank the chairman of this Subcommittee. I could not have worked through the process in some of the extenders that we will also be including, but I want to respond with a focus on one of my constituents who saw me in the Heights, an area of my district in Houston, and spoke about her son. We were at a memorial giving tribute to those who had served in the military who lived in the Heights area. After the program she came up and said, “What is the progress, when will you pass the Work Incentives Improvement Act?” My son wants to be independent. My son wants to get on his feet. My son who is disabled simply wants to have his day in the sun.”

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

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

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

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

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

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

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

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

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

Mr. WATKINS. Mr. Speaker, I rise in support of the Work Incentives Improvement Act of 1999. First and foremost I say to my committee chairman and ranking minority member that the conference agreement is one that is going to be of great assistance and help to be able to continue moving the economy forward. The R&D for 5 years is a great need for business and industries that do a lot of research. I would like to bring out a couple of things that are not highlighted, but I have had a chance of working personally with a number of individuals concerning this. One, the conference agreement would provide a 2-year open season beginning January 1 for clergy to revoke their exemption from Social Security coverage. This is something that a lot of ministers, and I have been associated with a lot of them through the fact that my former father-in-law was a minister, he is deceased now, but it is something I know he was concerned about back years ago.

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

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

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

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

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

It is also a victory for the taxpayers. This Congress said no to the President’s $230 billion in tax increases. This Congress said no to the President’s plan to raid the Social Security Trust Fund by $340 billion. I do want to express my biggest disappointment for this year and that is when the President vetoed our efforts to help 28 million disabled Americans this bill lets freedom ring.

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

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

Third and last, I want to note the brownfields tax incentive, a provision that many of us worked on to include in the 1997 budget act. This is successfully working. Of course we extend it. I would point out that the district I represent on the South Side of Chicago, there is the former Republic Steel property, the largest brownfield in Illinois, the largest new industrial park in Illinois benefited from this brownfields tax incentive. This is good legislation, and it deserves bipartisan support.
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have had major policy differences, he has always been a gentleman, he has been fair, he has been honest, and above all he has been sincere. I want to thank Mr. Singleton and the entire majority staff as well as Janice Mays. We have probably none of the best staffs in the House and they have worked hard and they have worked with us.

While it is my opinion that we did not accomplish too much in this first year, I look forward to working with the gentleman side by side, hand in hand, and are better off by a lot. They can do a better job of enforcing the law and they have worked with us.

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

Mr. RANGEL. Mr. Speaker, I would like to clarify a provision relating to the rum cover over provision for Puerto Rico. The House-Senate conference agreement calls for an increase in the rum cover over for Puerto Rico from the current level of $10.50 to $11.25. It is my understanding that by an agreement between the Administration and the Governor of Puerto Rico, the Honorable Pedro Rossello, one-sixth of the $2.75 increase in the rum cover over to Puerto Rico will be dedicated to the Puerto Rico Conservation Trust, a private, nonprofit section 501(c)(3) organization operating in Puerto Rico. The Puerto Rico Conservation Trust was created for the protection of natural resources and environmental beauty of Puerto Rico and was established pursuant to a Memorandum of Understanding between the Department of the Interior and Commonwealth of Puerto Rico dated December 24, 1968."

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

The most important provision in this bill is the extension of the current waiver of the alternative minimum tax rules affecting non-refundable personal credits. Without enactment of this provision, next April approximately 1 million taxpayers will find they owe more money to the federal government than they thought; for an average “stealth” tax increase of about $900 each. Millions more will have much work to do next year, where we can work hopefully together on a strong bipartisan basis on Social Security, trade issues, and many other issues before the Committee.

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Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 1180, the conference report on the Ticket to Work and Work Incentives Improvement Act. This bill provides a true “Ticket-to-Work” for disabled individuals by bringing them back into the workforce while still providing them with a safety net of government services that are needed to help make the transition. It is an important step toward addressing the disincentives which exist in current law that discourage disabled individuals from working.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I support passage of this measure because it ensures that local, disabled persons keep their health insurance while they return to work. Under current law, disabled persons who are eligible for Social Security disability benefits are precluded from earning significant income without losing their Medicare or Medicaid health insurance. H.R. 1180 would permit disabled persons to work while maintaining their health insurance coverage. For many disabled persons, this health insurance is critically important since they can neither afford nor purchase health insurance in the open market. This bill would provide SSDI beneficiaries with Medicare coverage for eight and 1/2 years, instead of the current 4-year term. This legislation also provides vocational rehabilitation services to disabled persons, ensuring their access to the training they need to become more self-sufficient. As an original cosponsor of the underlying bill, I support all of these provisions.

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

I am pleased that Congress has acted to provide itself with sufficient time to reauthorize the National Organ Transplant Act (NOTA). The House has already approved this bill, giving the Senate sufficient time to consider and approve a NOTA measure.

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

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

These are people who need to keep their health care coverage through Medicaid and Medicare to enable them to stay in the workforce. We owe them nothing less.
strongly committed to seeing it enacted, from his call to the Congress to enact this program in his State of the Union message last January to the final negotiations to bring this bill here today. And I want to particularly note the contributions of RICK LAZIO, who I was pleased to join as the original sponsor of the bill, NANCY JOHNSON, Scoi MATSUI from the Ways and Means Committee, and JOHN DINGELL and CHARLIE RANGEL who served on the conference committee.

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

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

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

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

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

And what’s the result? The 42 days becomes 90 days. Mr. Speaker, enough is enough. There is no excuse for this action. The Final Rule is the result of years of deliberation. It embodies the consensus that organs should be shared more broadly to end unjust racial and geographical disparities.

Every day of delay is another day of unconscionable and tragic wastes in transplant and survival rates across the country—disparities which the Final Rule addresses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to support this responsible package.

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

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

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

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

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

This isn’t right. Whether you live or die should not depend on where you live.

This debate is not about pitting big transplant centers against small ones, or about pitting one region against another. It is about making sure that the
Pease). Without objection, the pre-
get them. Period.

else in society would we allow a monopoly like
do not want to share their organs. Nowhere
should go to a golfer in Louisiana when I may
Superbowl in New Orleans that my liver
tions there is no good reason for an organ to
the Pennsylvania-Ohio line.

teria for listing patients and for determining
develop policies that would standardize its cri-

The Sergeant at Arms will notify ab-
Mr. ARCHER. Mr. Speaker, I object

The question was taken; and the
So the conference report was agreed

Mr. BERRY changed his vote from

So the conference report was agreed

The result of the vote was announced as
A motion to reconsider was laid on the table.

PERSONAL INFORMATION

Mrs. CAPPS, Mr. Speaker, due to a family
illness I was unable to attend votes today.
Had I been here I would have made the fol-
lowing votes:

Rollcall No. 598—no; 599—yes; 600—
yes; 601—yes; 602—yes; 603—no; 604—
no; 605—no; 606—no; 607—yes;
608—no; 609—yes; 610—yes; 611—yes.

PRIVILEGES OF THE HOUSE—RE-
TURNING TO THE SENATE S. 4,
SOLDIERS', SAILORS', AIRMEN'S,
AND MARINES' BILL OF RIGHTS
ACT OF 1999

Mr. WELLS, Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolu-
tion (H. Res. 393) and ask for its imme-
diate consideration.

The Clerk read the resolution, as fol-
lows:

H. Res. 393
Resolved, That the bill of the Senate (S. 4) entitled the “Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999”, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United
Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is necessary to return to the Senate the bill, S. 4, which contravene the constitutional requirement that revenue measures shall originate in the House of Representatives.

Section 202 of the bill authorizes members of the Armed Forces to participate in the Federal Thrift Savings Plan and permits them to contribute any part of a special or incentive pay that they might receive. However, it also effectively provides that the limitations of Internal Revenue Code section 415 will not apply to those extra contributions. The provision allows certain members of the uniformed services to avoid the negative tax consequences that would otherwise result in their extra contributions to the TSP. Accordingly, the provision is revenue-affecting in a constitutional sense.

There are numerous precedents for this action I am requesting. I want to emphasize that this action speaks solely to the constitutional prerogatives of the House, not to the merits of the bill. Proposed action today is procedural in nature, and it is necessary to preserve the prerogatives of the House to originate revenue measures, make clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

This resolution is necessary to return to the Senate the bill S. 4, the "Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999." Section 8440e is to override the limits on the Thrift Savings Plan contribution imposed by Internal Revenue Code section 415. Rather, new subsection (d) offends the Origination Clause because it directly amends the limitations on a revenue measure in the constitutional sense. Plainly, allowing members of the Armed Forces to participate in the Thrift Savings Plan causes a reduction in revenues as a budget scorekeeping matter, since contributions to the Thrift Savings Plan reduce the taxable income of the members of the uniformed services to avoid the negative tax consequences that would result from such contributions. Accordingly, the provision is revenue-affecting in a constitutional sense.

Section 202 of the bill adds a new section 8440e to Title 5 of the United States Code. New section 8440e generally permits members of the uniformed services or Ready Reserve who are authorized to participate in the Thrift Savings Plan to contribute up to 5 percent of their basic pay to the Thrift Savings Plan. In addition, subsection (d) of new section 8440e permits members of the uniformed services to contribute to the Thrift Savings Plan in addition to any operation incentive pay they receive under section 308, 308a through 308h, or 318 of title 37. The subsection further provides that the limitations of Internal Revenue Code section 415 shall not apply to such contribution. Code section 415 generally provides limitations on benefits and contributions under qualified employee benefit plans.

Thus, the effect of subsection (d) of new section 8440e is to override the limits on the Thrift Savings Plan contribution imposed by Internal Revenue Code section 415. Rather, new subsection (d) offends the Origination Clause because it directly amends the limitations on a revenue measure in the constitutional sense. Plainly, allowing members of the Armed Forces to participate in the Thrift Savings Plan causes a reduction in revenues as a budget scorekeeping matter, since contributions to the Thrift Savings Plan reduce the taxable income of the members of the uniformed services to avoid the negative tax consequences that would result from such contributions. Accordingly, the provision is revenue-affecting in a constitutional sense.

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10 minutes, which is what it has been since we passed the last one. How many more are we going to have to pass before we get our act together tonight?

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield further, my response to his question is rather simple. I have been advised that if we do not provide an extra vehicle for the Senate, it may be necessary for the House to either stay in session or reconvene tomorrow or the next day in order to complete legislative business. I am also advised that if they have a clean vehicle, it is very likely that we would not have to be back here sitting as the House.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I would say that is what we were told a few minutes ago, that we needed to pass the last one so we would not be in session.

I hope that sooner or later, we get things right.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield further, I would like to yield to my friend and my colleague with whom we have worked so well together throughout this year in the operation of a privilege under the first amendment of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The Speaker pro tempore. There is no objection.

Mr. Speaker, this resolution is necessary to return to the Senate the bill S. 1232 which contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. Section 401 of the bill provides that no Federal retirement plan involved in the corrections under the bill shall fail to be treated as a tax-qualified retirement plan by reason of the correction.

The Speaker pro tempore. There are numerous precedents for the action I am requesting. I want to emphasize this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill.

The proposed action today is procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue measures. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill, for the Senate to accept it or amend it as it sees fit.

This resolution is necessary to return to the Senate the bill S. 1232, which contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. The bill provides that no Federal retirement plan involved in the corrections under the bill shall fail to be treated as a tax-qualified retirement plan by reason of the correction. The bill also provides that no amounts shall be includable in the income of any individual for Federal tax purposes because of fund transfers or government contributions made pursuant to the bill. Therefore, the bill violates the origination requirement.

Section 401 of the bill provides generally that no government retirement plan shall fail to be treated as a tax-qualified plan under the Internal Revenue Code for any failure to follow plan terms, or any actions taken under the bill to correct errors in misclassification of Federal employees into the wrong Federal retirement system. In general, Federal retirement plans are subject to the same rules that apply to tax-qualified retirement plans maintained by private employers. For example, tax-qualified retirement plans are afforded special tax treatment under the Code. These advantages include the fact that plan participants pay no current income tax on amounts contributed on their behalf, and the fact that earnings of the plan are tax-exempt.

Because of Section 401 of the bill, Federal retirement plans and participants in those plans would retain these advantages even if actions are taken pursuant to the bill that would otherwise jeopardize this favorable tax treatment.

The Federal retirement plans are also subject to the rules applicable to tax-qualified plans that limit the amount of contributions and benefits that may be provided to a participant under a tax-qualified plan. For example, section 415 of the Code limits that amount of annual contributions that may be made to a defined benefit plan, and the amount of annual benefits that are payable from a defined benefit plan. If amounts are contributed or benefits are paid that exceed these limits, plan participants could be subject to unfavorable tax consequences. Section 401 of the bill would permit the Federal government to make-up contributions on behalf of an employee without violating applicable limits on contributions and benefits in which the make-up contribution was made.

Section 401 also provides that no amounts shall be includable in the taxable income of any individual for Federal tax purposes because of fund transfers or government contributions made pursuant to the bill. Accordingly, Section 401 is revenue-affected in a constitutional sense. There are numerous precedents for the action I am requesting. For example, on July 21, 1994, the House returned to the Senate S. 1073, containing provisions exempting certain veteran payments from taxation. On October 7, 1994, the House returned to the Senate S. 1216, containing provisions exempting certain settlement income from taxation.

I want to emphasize that this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill. The proposed action today is procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue measures. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.
Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. ARMEY. Mr. Speaker, let me begin by just saying to the Members it is my privilege to say we have had the last vote of the day, the last vote of the week, the last vote of the year, the last vote of the century.

PROVIDING FOR ADJOURNMENT SINE DIE AFTER COMPLETION OF BUSINESS OF FIRST SESSION OF 106TH CONGRESS AND SETTING FORTH SCHEDULE FOR CERTAIN DATES DURING JANUARY 2000 OF SECOND SESSION

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H.Con Res. 235), and ask for its immediate consideration.

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

The resolution was agreed to.

The Clerk read the resolution, as follows:

H. RES. 395

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, as soon as practicable, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 395, the Chair appoints the following Members of the House to the committee to notify the President, the gentleman from Texas (Mr. ARMEY), and the gentleman from Missouri (Mr. GEPhardt).

PERSONAL EXPLANATION

Mr. LAMPSON. Mr. Speaker, on November 17, 1999, on rollcall votes 596 and 597, I am recorded as not voting. I am happy to announce that I was present at the birth of my first grandchild, Nicholas William Shanning. Had I been present for votes, I would have voted “aye” on rollcall vote 596 and “no” on rollcall vote 597.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND AND REVISE REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the first session by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the first session sine die.

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

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS, APPOINT COMMISSIONS, BOARDS AND COMMITTEES NOTWITHSTANDING SINE DIE ADJOURNMENT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that until the day the House convenes for the second session of the 106th Congress, and notwithstanding any adjournment of the House, the Speaker, the majority leader, and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.
CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT AND WATER SUPPLY ENHANCEMENT ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker the papers to S. 438, a companion bill to H.R. 795, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, if the gentleman would take a moment to explain the bill.

Mr. YOUNG of Alaska. Mr. Speaker, will the Gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, last month the House passed H.R. 795, the Rocky Boy's Water Rights Settlement Act. Today we have before us S. 438, a companion bill to H.R. 795. The only difference between these bills is a small change regarding the treatment of tribal water rights off reservation. This change has been agreed upon by all parties involved in the legislation.

The Rocky Boy's Water Rights Settlement Act process has been important for a number of reasons. I congratulate the gentleman from Montana (Mr. Hill), the State of Montana, the tribe has spent a good deal of time working on the issues in a constructive fashion, taking steps to minimize the impact on other affected water users.

Furthermore, there has been minimal emphasis on some of the outdated basis that calculate in Federal reserve Indian water right claims. This process has allowed the parties to look to newer, more flexible negotiations that find solutions which provide tribes with real opportunities without making demands that make the livelihood of existing water users. Additionally, this process has brought new solutions and introduced private sector expertise into the tribes efforts to utilize these water supplies once the settlement is authorized.

By approaching these Indian water right settlements in more creative ways, Congress and the Federal Government can narrow the divergent expectations of the parties as they enter negotiations and attempt to correct problems that have existed for decades. It is important to modernize the process and bases for settling these claims. It is taking far too long to arrive at a settlement. Often tribes receive water and money under circumstances that do not ultimately help them realize the benefits of the broader economy. It is the intention that this settlement will help the tribe reach their goal of self-determination.

I urge my colleagues to support the legislation.

Mr. HILL of Montana. Mr. Speaker, I rise in strong support of S. 438, the Chippewa Cree Tribe Water Rights Settlement Act, introduced by Senator CONRAD BURNS.

I am the sponsor of the House companion to this bill which passed the House on October 18th. I thank Subcommittee Chairman JOHN DOOLITTLE and his staff Bob Faber and Josh Johnson for their tireless efforts to work with all parties involved to move this important piece of legislation.

This is truly a historic day. This bill is the culmination of many years of technical and legal work and many years of negotiations involving the State of Montana, and representatives of the United States Departments of the Interior and Justice.

The bill will ratify a settlement quantify the water rights of the Tribe and providing for their development in a manner that will help the Chippewa Cree Nation while helping their neighbors, local communities, farmers and ranchers.

It provides Federal funds construction of water supply facilities and for Tribal economic development, and defines the Federal Government's role in implementing the settlement. This State Settlement Act has the full support of the Tribe, the State of Montana, the Department of Justice and the Department of the Interior, the Administration, and the water users who farm and ranch on streams shared with the Reservation.

The bill will effectuate a settlement that is a textbook example of how State, Tribal, and Federal governments can work together to resolve differences in a way that meets the concerns of all.

It is also a settlement that reflects the effectiveness of Tribal and non-Tribal water users in working together in good will and good faith with respect for each other's needs and concerns.

It is not an overstatement to say that the Chippewa Cree Tribe of the Rocky Boys Reservation Indian Reserved Water Rights Settlement Act is a historic agreement. This is truly a great occasion for all of those who have worked so hard to get us to this point.

I again want to thank Chairman DOOLITTLE, Chairman YOUNG, and the House leadership for scheduling this bill today. I also want to thank Congressman KILDEE for his cosponsorship and help in moving this bill forward.

I urge the adoption of S. 438, Mr. KILDEE. Mr. Speaker, I am pleased that the House will today consider S. 438, a bill that would implement the settlement of the water rights of the Chippewa Cree Tribe of Montana. I am a cosponsor of a similar bill passed by the House earlier this year. This bill mirrors the 16th Indian Water Rights Settlement Act presented to Congress in 10 years. I recall a time when in the late 1980s and early 1990s Congress regularly sanctioned and implemented state/tribal water agreements. I am encouraged by the resolution (No. 98-029) from the National Governors' Association endorsing the policy of negotiating Indian water rights settlements.

During a recent hearing before the Water and Power Subcommittee, Representative RICK HILL, sponsor of the bill, described this settlement as a textbook example of how state and tribal governments can work together with off-reservation local ranchers and farmers to resolve their differences. I concur with that characterization of this bill. I want to commend the state of Montana and the Tribe for working almost 15 years to reach an agreement. It is my understanding that the parties were without sub-basin by sub-basin and even farm by farm until they had resolved the concerns of all affected parties. I also want to commend the Interior and Justice Departments—particularly Interior's Acting Deputy Secretary, David Hayes—for the role he and his colleagues played in reaching this accord.

One of the things I have learned over the years is that we must defer to the wishes of the states and tribes that bring these settlements to us. We all will have a tendency to want to micro-manage to the nature of this process, and contend that it is preponderant one way or another way, but history has proved that that is really not the case. A settlement in Montana may have little to do with the status of negotiations in New Mexico. While instream flows for fishery habitat may be vital to a tribe in the Pacific Northwest, it may have little application in Arizona. I say this because I have heard that certain members of the Senate who are not from Montana are examining this bill to determine if it is consistent with the laws of their state. Mr. Speaker, if a negotiated settlement is reached, it is incumbent upon us to act in the best interest of the states and the tribes affected by these laws and policies of every one of the other 49 states, or even just the western states, we would never have another Indian water rights
settlemen. So again, I hope we can agree that the individual States, Tribes and the Fed-
eral government must be given great def-
ference in negotiating settlements that are con-
sistent with the laws and policies of the given
State and Tribe and which do not violate fed-
eral law.

Finally, I say to my colleagues that we and
the Administration must follow up and ensure
that funds are made available to implement
the Chippewa Cree/Montana settlement. We
must do so in a manner that does not take
funds away from basic ongoing tribal pro-
grams. Programs which are aimed at cre-
at a permanent settlement fund for these
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parable to the Justice Department's settlement
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allocations. Again, my congratulations to the
Chippewa Cree Tribe of the Rocky Boy's Re-
servation, to the state of Montana and to the
members of the Federal Negotiating Team
that helped bring this to fruition.

Mr. GEORGE MILLER of California.
Mr. Speaker, I withdraw my reserva-

The Speaker pro tempore. Is there
objection to the request of the gen-
tleman from Alaska?

There was no objection.

The Clerk read the Senate bill, as fol-

S. 483

Be it enacted by the Senate and House of Re-

CONGRESSIONAL RECORD—HOUSE

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Finally, I say to my colleagues that we and
the Administration must follow up and ensure
that funds are made available to implement
the Chippewa Cree/Montana settlement. We
must do so in a manner that does not take
funds away from basic ongoing tribal pro-
grams. Programs which are aimed at cre-
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parable to the Justice Department's settlement
fund and which is not scored against the BIA's
allocations. Again, my congratulations to the
Chippewa Cree Tribe of the Rocky Boy's Re-
servation, to the state of Montana and to the
members of the Federal Negotiating Team
that helped bring this to fruition.

Mr. GEORGE MILLER of California.
Mr. Speaker, I withdraw my reserva-

The Speaker pro tempore. Is there
objection to the request of the gen-
tleman from Alaska?

There was no objection.

The Clerk read the Senate bill, as fol-

S. 483

Be it enacted by the Senate and House of Re-

settlemen. So again, I hope we can agree that the individual States, Tribes and the Fed-
eral government must be given great def-
ference in negotiating settlements that are con-
sistent with the laws and policies of the given
State and Tribe and which do not violate fed-
eral law.

Finally, I say to my colleagues that we and
the Administration must follow up and ensure
that funds are made available to implement
the Chippewa Cree/Montana settlement. We
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study authorized in section 204 have been completed and the decree has become final in accordance with the requirements of section 102b; and

(B) in the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 102b, the waiver and release of claims or defenses shall be null and void.

(2) CLAIMS DESCRIBED.—The claims referred to in paragraph (1) are as follows:

(A) Any and all claims to water rights (including water rights in surface water, ground water, and effluent), claims for injuries to water rights, claims for loss or deprivation of use of water rights, and claims for failure to acquire water rights (or to recommission the Tribe from time immemorial to the date of ratification of the Compact by Congress).

(B) Any and all claims arising out of the negotiation of the Compact and the settlement authorized by this Act.

(3) SETOFFS.—In the event the waiver and release do not become effective as set forth in paragraph (1)—

(A) the United States shall be entitled to setoff against any claim for damages asserted by the Tribe against the United States, any funds transferred to the Tribe pursuant to paragraph (1), and any interest accrued thereon up to the date of setoff; and

(B) the United States shall retain any other claims or defenses not waived in this Act or in the Compact as modified by this Act.

(d) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this Act shall be construed to quantify or otherwise adversely affect the land and water rights, or claims or entitlements to land or water of an Indian tribe other than the Chippewa Cree Tribe.

(e) ENVIRONMENTAL COMPLIANCE.—In implementing the Compact, the Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental Acts and regulations.

(f) EXECUTION OF COMPACT.—The execution of the Compact by the Secretary as provided for in this Act shall not constitute a major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary is directed to carry out all necessary environmental compliance required by Federal law in implementing the Compact.

(g) CONGRESSIONAL INTENT.—Nothing in this Act shall be construed to prohibit the Tribe from seeking additional authorization or appropriation of funds for tribal programs or purposes.

(h) ACT NOT PRECEDENTIAL.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of other settlements.

TITLE I—CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT

SEC. 101. RATIFICATION OF COMPACT AND APPROVAL OF DECREES

(a) WATER RIGHTS COMPACT APPROVED.—Except as modified by this Act, and to the extent the Compact does not conflict with this Act:

(1) the Compact, entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, as approved, ratified, and confirmed, and

(2) the Secretary shall—

(A) execute and implement the Compact together with any amendments agreed to by the parties or necessary to bring the Compact into conformity with this Act; and

(B) take such other actions as are necessary to implement the Compact.

(b) APPROVAL OF DECREES.—

(1) IN GENERAL.—Not later than 180 days after approval of this Act, the United States, the Tribe, or the State of Montana shall petition the Montana Water Court, individually or jointly, to enter and make permanent the approval of the United States, the Tribe, and the State of Montana attached as Appendix 1 to the Compact, or any amended version thereof agreed to by the United States, the Tribe, and the State of Montana.

(2) RESORT TO THE FEDERAL DISTRICT COURT.—Under the circumstances set forth in Article IV.A.4.b.(3) of the Compact, 1 or more of the parties may file an appropriate motion (as provided in that article) in the United States district court of appropriate jurisdiction.

(3) EFFECT OF FAILURE OF APPROVAL TO BECOME FINAL.—In the event the approval by the appropriate court, including any direct appeal, does not become final within 3 years after the filing of the decree, or the decree is approved but is subsequently set aside by the appropriate court—

(A) the approval, ratification, and confirmation of the Compact by the United States shall be null and void; and

(B) except as provided in subsections (a) and (c)(3) of section 5 and section 106(e)(4), this Act shall be of no further force and effect.

SEC. 102. USE AND TRANSFER OF THE TRIBAL WATER RIGHTS

(a) ADMINISTRATION AND ENFORCEMENT.—As provided in the Compact, until the adoption and approval of a tribal water code by the Tribe, the Secretary shall administer and enforce the Tribal water code.

(b) TRIBAL MEMBER ENTITLEMENT.—

(1) IN GENERAL.—Any entitlement to Federal Indian reserved water of any tribal member shall be obtained from the water secured to the Tribe by the Compact and shall be governed by the terms and conditions of the Compact.

(2) ADMINISTRATION.—An entitlement described in paragraph (1) shall be administered by the Tribe pursuant to a tribal water code developed and adopted pursuant to Article IV.A.2 of the Compact, by the Secretary pending the adoption and approval of the tribal water code.

(c) TEMPORARY TRANSFER OF TRIBAL WATER RIGHTS.—The Secretary may, upon written notice to the Tribe, temporarily transfer any portion of the Tribal water right for use off the Reservation by the Tribe or the State of Montana pursuant to Article IV.A.4 of the Compact, for temporary or short-term periods, prior to the approval of the Secretary, may withdraw the funds from the account and such other amounts as may be transferred or credited to the Fund.

(d) BUREAU OF RECLAMATION PROJECT ADMINISTRATION.—

(1) IN GENERAL.—The Bureau of Reclamation, in its administration of the following projects under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 438a et seq.)—

(A) the Future Water Supply Facilities Account; and

(B) the Economic Development Account.

(2) IMPLEMENTATION AGREEMENT.—The Secretary, at the request of the Tribe, shall enter into an agreement, or, if appropriate, enter and administer an existing agreement, with the Tribe to implement the provisions of this Act through the Tribe's annual funding agreement entered into under the self-governance program under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 438a et seq.) by which the Tribe shall plan, design, and construct and fund all of the projects authorized by this section.

(3) ABBREVIATION.—The term "tribal water right" means water rights under the compact.
the Fund and allocated to the accounts of the Fund by the Secretary as provided for in this Act and in accordance with the authorization for appropriations in paragraphs (1), (2), and (3) of section 103(a), together with all interest that accrues in the Fund.

(B) MANAGEMENT BY SECRETARY.—The Secretary shall manage the Fund, make investments in the Fund, and make available the funds from the Fund for distribution to the Tribe in a manner consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) TRIBAL MANAGEMENT.—

(A) IN GENERAL.—If the Tribe exercises its right pursuant to subparagraph (a)(4) to withdraw the Fund and deposit it in a private financial institution, except as provided in the withdrawal plan, neither the Secretary nor the Tribe may use funds from the Fund for distribution to the Tribe in a manner consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) WITHDRAWAL PLAN.—The withdrawal plan referred to in subparagraph (A) shall provide for—

(i) the creation of accounts or allocation to accounts of funds deposited under the plan in a manner consistent with subsection (a); and

(ii) the appropriate terms and conditions, if any, on expenditures from the fund (in addition to the requirements of the plans set forth in paragraphs (2) and (3) of subsection (c)).

(c) USE OF FUND.—The Tribe shall use the Fund to fulfill the purposes of this Act, subject to the following restrictions on expenditures:

(1) Except for $400,000 necessary for capital expenditures in connection with Tribal Compact Administration, only interest accrued on the Fund and deposited in the fund shall be available, to satisfy the Tribe’s obligations for Tribal Compact Administration under the provisions of the Compact.

(2) Both principal and accrued interest on the Economic Development Account referred to in subsection (a)(5)(A) shall be available to the Tribe for expenditure pursuant to an economic development plan approved by the Secretary.

(3) Both principal and accrued interest on the Future Water Supply Facilities Account referred to in subsection (a)(5)(B) shall be available to the Tribe for expenditure pursuant to a water supply plan approved by the Secretary.

(d) INVESTMENT OF FUND.—

(1) PLURALITY OF LAWS.—The Secretary shall invest amounts in the Fund in accordance with—

(i) the Act of April 1, 1880 (21 Stat. 70, chapter 42, 25 U.S.C. 161); and

(ii) the first section of the Act entitled “An Act to authorize the payment of interest of certain funds held in trust by the United States or the United States Indian tribes”, approved February 12, 1929 (25 U.S.C. 161a); and

(iii) the first section of the Act entitled “An Act to authorize the deposit and investment of Indian funds”, approved June 24, 1938 (25 U.S.C. 161a).

(2) CREDITING OF AMOUNTS TO THE FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund and allocated to the accounts contained in the Fund a proportionate amount of that interest and proceeds.

(3) UNEXPENDED BALANCES.—Any unexpended balance in the funds authorized to be appropriated under subparagraph (A) or (B) of paragraph (1), after substantial completion of the projects enumerated in subparagraphs (A) and (B) of paragraph (1), shall be available to the Tribe first for completion of the enumerated projects; and the Secretary shall deposit into the Future Water Supply Facilities Account any remaining funds under subparagraph (A) or (B) of paragraph (1).
(A) Transfer of water stored in Lake Elwell, subdividing for the Tribe's use or temporary delivery, use, or temporary transfer of the water allocated by this section to the Tribe, without cost to the Tribe, 10,000 acre-feet per year of stored water from the water right of the Bureau of Reclamation in Lake Elwell, Lower Marias Unit, Upper Missouri Division, Pick-Sloan Missouri Basin Program, Montana, measured at the outlet works of the dam or at the diversion point from the reservoir. The allocation shall become effective when the decree referred to in section 201(b) has become final in accordance with that section. The allocation shall be part of the Tribal Water Right and subject to the terms of this Act.

(2) Terms and conditions. The terms and conditions set forth in the Compact and this Act shall be subject to the prior reserved water rights, if any, of any Indian tribe, or person claiming water through any Indian tribe.

(a) IN GENERAL. The Secretary shall enter into an agreement with the Tribe setting forth the terms of the allocation and providing for the Tribe's use or temporary transfer of water from Lake Elwell, subject to the terms and conditions of the Compact and this Act.

(2) PRIOR RESERVED WATER RIGHTS. The allocation provided for in this section shall be subject to the prior reserved water rights, if any, of any Indian tribe, or person claiming water through any Indian tribe.

(b) USE AND TEMPORARY TRANSFER OF ALLOCATION.—

(a) IN GENERAL. The Secretary, acting through the Bureau of Reclamation, shall perform an MR&I feasibility study of water and related resources in North Central Montana to evaluate uses for a municipal, rural, and industrial supply for the Rocky Boy's Reservation.

(b) Use of funds. The Secretary, acting through the Bureau of Reclamation, shall perform an MR&I feasibility study for fiscal year 1999 for use under subsection (a) of this section (a) shall be deemed to apply to MR&I feasibility study activities for which funds were made available by appropriations for fiscal year 1999.

(c) CONTENTS OF STUDY. The MR&I feasibility study shall include the feasibility of releasing the Tribe's Tiber allocation as provided for in section 203 into the Missouri River System for later diversion to a treatment and delivery system for the Rocky Boy's Reservation.

(2) WITHOUT FISCAL YEAR LIMITATION. All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

(d) A VAILABILITY OF CERTAIN MONEYS. The amounts made available for use under subsection (a) shall be deemed to have been made available for use under section 203 for those funds appropriated and used for those funds were appropriated. The amounts authorized to be appropriated in subsection (b) shall be available for use immediately upon appropriation.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM TO FILE REPORT AFTER SINE DIE ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent to file a report after adjournment. I ask unanimous consent that the Committee on Government Reform be permitted to file an investigative report by December 10, 1999.

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

There was no objection.

FOUR CORNERS INTERPRETIVE CENTER ACT

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 28) to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purpose, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 28) to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purpose, and ask for its immediate consideration in the House.

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There was no objection.

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

There was no objection.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 28) to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purpose, and ask for its immediate consideration in the House.
S. 28 simply establishes the Four Corners Interpretive Center to provide a unique collection of cultural, historical, and archeological specimens for the millions of people who visit the only geographic location in the nation where the boundaries of four States, Arizona, Colorado, New Mexico and Utah come together.

The Four Corners Monument Tribal Park is located on lands that fall within the Navajo Reservation and the Ute Mountain Reservation. In 1996, these tribes entered into a memorandum of understanding governing the future development of the park.

S. 28 and H.R. 1384 reflect that agreement, providing the initial facility of base communities to lead to full development of the park. This bill represents the cooperation of Federal, State and local and tribal governments in an effort to reaffirm the ties of our past while extending those ties to the future. I urge support for this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 28

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

SEC. 1. SHORT TITLE. This Act may be cited as the "Four Corners Interpretive Center Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Four Corners Monument is nationally significant as the only geographic location in the United States where 4 State boundaries meet;

(2) the Four Corners area is distinct in character and possesses important historical, cultural, and prehistoric values and resources within the surrounding cultural landscape; and

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Four Corners Monument and surrounding landscape as a distinct area in the heritage of the United States that is worthy of interpretation and preservation of cultural, historical, and prehistoric resources (which may include contributions made by States, private sources, the Navajo Nation, and the Ute Mountain Ute Tribe for planning, design, construction, furnishing, startup, and operational expenses); and

(2) to promote knowledge of the life, art, culture, politics, and history of the culturally diverse groups of the Four Corners region.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) CENTER.—The term "Center" means the Four Corners Interpretive Center established under section 4, including restrooms, parking areas, vendor facilities, sidewalks, utilities, exhibits, and other visitor facilities.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means the nonprofit coalition of Federal, Indian tribes, universities, Federal agencies, and the governments of States and political subdivisions thereof (including counties); and

(3) FUNDABLE SHARE.—The fundable share is the total amount of the costs of construction of the Four Corners Monument Tribal Park for which funds are needed.

(4) membranes of understanding described in paragraph (2);

(5) land designated and made available by the Navajo Nation or the Ute Mountain Ute Tribe for the Four Corners Monument Tribal Park.

(6) the Arizona share.

(7) applicable supplemental agreements with the Bureau of Land Management, the National Park Service, and the United States Forest Service.

(8) any provision of this Act, no such center shall be established without the consent of the Navajo Nation and the Ute Mountain Ute Tribe.

(9) a visitor amenities including restrooms, public telephones, and other basic facilities.

SEC. 5. CONSTRUCTION GRANT.

(a) GRANT.—

(1) IN GENERAL.—The Secretary is authorized to award a grant to an eligible entity for the construction of the Center in an amount not to exceed 50 percent of the cost of construction of the Center.

(b) CONCURRENCE.—To be eligible for the grant, the eligible entity that is selected to receive the grant shall provide assurances that—

(A) the non-Federal share of the costs of construction is paid from non-Federal sources (which may include contributions made by States, private sources, the Navajo Nation, and the Ute Mountain Ute Tribe for planning, design, construction, furnishing, startup, and operational expenses); and

(B) the aggregate amount of non-Federal funds that are used to carry out the activities specified in subparapraph (A) will not be less than $2,000,000, of which each of the States that is party to the grant will contribute equally in cash or in kind.

(c) GRANT REQUIREMENTS.—In order to receive a grant under this section, the eligible entity shall—

(1) submit to the Secretary a proposal that—

(A) is submitted at least 60 days before the date on which funds are needed.

(B) is submitted electronically.

(C) meets all applicable requirements described in paragraph (2); and

(D) includes the following information and assurances—

(i) a location to highlight the importance of the Four Corners Monument Tribal Park; and

(ii) an interpretive center.

(2) a memorandum of understanding governing the planning and future development of the Four Corners Monument Tribal Park; and

(3) the Arizona share.

(4) applicable supplemental agreements with the Bureau of Land Management, the National Park Service, and the United States Forest Service.

(5) any provision of this Act, no such center shall be established without the consent of the Navajo Nation and the Ute Mountain Ute Tribe.

(6) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(7) Federal financial assistance and technical expertise are needed for the construction of an interpretive center.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Four Corners Monument and surrounding landscape as a distinct area in the heritage of the United States that is worthy of interpretation and preservation of cultural, historical, and prehistoric resources (which may include contributions made by States, private sources, the Navajo Nation, and the Ute Mountain Ute Tribe for planning, design, construction, furnishing, startup, and operational expenses); and

(2) to promote knowledge of the life, art, culture, politics, and history of the culturally diverse groups of the Four Corners region.

SEC. 4. FOUR CORNERS INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary is authorized to establish within the boundaries of the Four Corners Monument Tribal Park a center for the interpretation and preservation of the Four Corners Monument, to be known as the "Four Corners Interpretive Center".

(b) LAND DESIGNATED AND MADE AVAILABLE.—The land designated and made available by the Navajo Nation or the Ute Mountain Ute Tribe shall be designated and made available by the Navajo Nation or the Ute Mountain Ute Tribe within the boundaries of the Four Corners Monument Tribal Park in consultation with the Four Corners Heritage Council and in accordance with—

(i) a memorandum of understanding described in paragraph (2);

(ii) applicable supplemental agreements with the Bureau of Land Management, the National Park Service, and the United States Forest Service.

(2) in a memorandum of understanding governing the future development of the Four Corners Monument Tribal Park; and

(3) the Arizona share.

(4) applicable supplemental agreements with the Bureau of Land Management, the National Park Service, and the United States Forest Service.

(5) any provision of this Act, no such center shall be established without the consent of the Navajo Nation and the Ute Mountain Ute Tribe.

(6) the State of Arizona has obligated $45,000 for planning efforts and $250,000 for construction of an interpretive center at the Four Corners Monument Tribal Park; and

(7) State, tribal, and private entities established under agreements executed by the Governors of Arizona, Colorado, New Mexico, and Utah, that, through agreements executed by the Governors of Arizona, Colorado, New Mexico, and Utah, the Four Corners Heritage Council was established as a coalition of State, tribal, and private interests.

(8) the Navajo Nation and the Ute Mountain Ute Tribe have entered into a memorandum of understanding governing the planning and future development of the Four Corners Monument Tribal Park; and

(9) in 1992, through agreements executed by the Governors of Arizona, Colorado, New Mexico, and Utah, the Four Corners Heritage Council was established as a coalition of State, tribal, and private interests.

(10) the State of Arizona has obligated $45,000 for planning efforts and $250,000 for

construction of an interpretive center at the Four Corners Monument Tribal Park; and

(11) numerous studies and extensive consultation with American Indians have demonstrated that the development at the Four Corners Monument Tribal Park would greatly benefit the people of the Navajo Nation and the Ute Mountain Ute Tribe;

(12) the Arizona Department of Transportation has completed preliminary cost estimates that are based on field experience with rest-area development for the construction of the Four Corners Interpretive Center and surrounding infrastructure, including restrooms, roadways, parking areas, and water, electrical, telephone, and sewage facilities; and

(13) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(14) Federal financial assistance and technical expertise are needed for the construction of an interpretive center.
CAPSLOCK:1999-11-18-079060-117-P1

The Native American coalition included members of the Wyandot, Miami, Ottawa, Delaware, Mingo, Shawnee, Potawatomi,
and I urge my colleagues to support the bill.

Mr. Speaker, reserving the right to objection to the request of the gentleman from Utah?

The bill before us today is a battle of Fallen Timbers.

In 1794, General Anthony Wayne led his legion down the Maumee River valley at the forces of the United States lay across the "Foot of the Rapids" on the Maumee River. On August 20, 1794, Wayne's leading elements were engaged by about 1,100 warriors who had worked so very, very hard on this legislation.

Mr. HANSEN. Mr. Speaker, the gentleman from Utah?

Mr. GEORGE MILLER of California. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding. Mr. Speaker, S. 548 introduced by Senator MIKE DeWINE from Ohio and the gentil

The battle that occurred on this site and the assumption of the Northwest territory marked the beginning of the entire region of the Nation to settle.

I cannot thank the gentlemen enough for making this possible, before this century ends.

Mr. Speaker, the bill before us today is a matter of great significance to the American Midwest and to the 9th District of Ohio in particular. The bill under consideration today, Senator DeWine's S. 548, is the companion to legislation I have introduced in the House, H.R. 868. I wish to thank Senator DeWine for taking the lead on this measure in the Senate.

Some authorities place the Battle of Fallen Timbers among the three most important battles in the formation of the United States, alongside the battles of Yorktown and Gettysburg. We should note that the Battle of Fallen Timbers did secure and open a large territory—now embracing parts of Ohio, Michigan, Indiana, and Illinois—for new settlements in our fledgling nation.

Another, contemporary battle should also be recognized here today. That is the struggle for national recognition of the Battle of Fallen Timbers as a keystone in the Maumee Valley and the Midwest.

In 1991, I was able to secure authorization in the Interior Appropriations bill for the National Park Service to assess the Maumee River Heritage Corridor for historically significant sites. The first site assessed was the Fallen Timbers battlefield.

We will hear later this morning from two people who have served in that more recent battle, Dr. G. Michael Pratt from Heidelberg College and Jean Ward, Director of the Toledo Museum of Art. We will hear later this morning from two people who have served in that more recent battle, Dr. G. Michael Pratt from Heidelberg College and Jean Ward, Director of the Toledo Museum of Art.

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The Native American coalition included members of the Wyandot, Miami, Ottawa, Delaware, Mingo, Shawnee, Potawatomi, and the ranking member, the gentleman from California (Mr. GEORGE MILLER), to permit the people of our region of the United States to tell the full story of our history, the battle that occurred on this site and the assumption of the Northwest territory for the people of our entire region of the Nation to settle.

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The battle was a clear victory for the United States, a policy failure for the British, and a disaster for the Native American Confederacy. The resultant Treaty of Greenville in 1795 gained control of the Ohio River Valley east of the Great Lakes for the United States, a victory significant for future U.S. history.

The Battle of Fallen Timbers was a decisive engagement in the Northwest Indian War and occurred on November 4, 1794, near what is now Perrysfield, Ohio. The battle was fought between the United States and a confederation of Native American tribes led by the Miami War chief Little Turtle.

The battle was fought on the banks of the Maumee River, just south of the present-day city of Maumee. The Native American forces were led by the Miami Chief Little Turtle and the Delawares. The American forces were led by General Anthony Wayne, who had been tasked with stopping the Native American advance and ensuring the continued survival of the United States.

The battle began with light skirmishing, but as the fighting escalated, the Native American forces were forced to retreat. The battle ended with the surrender of the Native American forces, who were left with little choice but to retreat to Canada.

The Battle of Fallen Timbers marked the end of the Northwest Indian War and was a significant turning point in the history of the United States. It was a victory for the United States and a defeat for the Native American Confederacy. The treaty that followed the battle gave the United States control of the Ohio River Valley east of the Great Lakes, which was a significant victory for the United States in its struggle to expand westward.

The Battle of Fallen Timbers is also significant for the history of the National Park System. The site was designated as a National Historic Landmark in 1959, and the Fallen Timbers Battlefield and Monument were established by Congress in 1999.

The Battle of Fallen Timbers is a testament to the tenacity of the American people in their struggle for survival and their commitment to preserving their history. It is a reminder of the importance of understanding our past in order to shape our future.

Mr. Speaker, I urge all of our colleagues to support this bill, which helps complete the appreciation of our nation’s early history. Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection. The Clerk read the Senate bill, as follows:

S. 548

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

SECTION 1. SHORT TITLE. This Act may be cited as the “Fallen Timbers Battlefield and Fort Miamis National Historic Site Act of 1999”.

SEC. 2. DEFINITIONS. As used in this Act:

(a) DEFINITIONS. (1) The term “historic site” means the Fallen Timbers Battlefield and Monument and Fort Miamis National Historic Site established by section 4 of this Act.

(b) The term “management plan” means the general management plan developed pursuant to section 5(d).

(c) The term “Secretary” means the Secretary of the Interior.

(d) The term “management entity” means the Metropolitan Park District of the Toledo Area.

(e) The term “technical assistance” means any guidance, advice, or other aid, other than financial assistance, provided by the Secretary.

SEC. 3. FINDINGS AND PURPOSES. (a) FINDINGS.—Congress finds the following:

(1) The 185-acre Fallen Timbers Battlefield is the site of the 1794 battle between General Anthony Wayne and a confederacy of Native American tribes led by Little Turtle and Blue Jacket.

(2) Fort Miamis was occupied by General Wayne’s legion from 1796 to 1798.

(3) In the spring of 1813, British troops, led by General Henry Proctor, landed at Fort Miamis and attacked the fort twice, without success.

(4) Fort Miamis and Fallen Timbers Battlefield are in Lucas County, Ohio, in the city of Maumee.

(5) The 9-acre Fallen Timbers Battlefield Monument is listed as a National Historic Landmark.

(6) Fort Miamis is listed in the National Register of Historic Places as a historic site.

(7) In 1959, the Fallen Timbers Battlefield was incorporated in the National Survey of Historic Sites and Buildings as one of 22 sites representing the “Advance of the Frontier, 1763-1813”.

(8) In 1990, the Fallen Timbers Battlefield was designated as a National Historic Landmark.

(b) PURPOSES.—The purposes of this Act are:

(1) to recognize and preserve the 185-acre Fallen Timbers Battlefield site;

(2) to recognize and preserve the Fort Miamis site;

(3) to formalize the linkage of the Fallen Timbers Battlefield and Monument to Fort Miamis;

(4) to preserve and interpret United States military history and Native American culture during the period from 1794 through 1813;

(5) to provide assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State to implement the management plan and develop programs that will preserve and interpret the historical, cultural, recreational, and scenic resources of the historic site; and

(6) to authorize the Secretary to provide technical assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State, including the Ohio Historical Society, the City of Maumee, the Maumee River Valley Heritage Corridor, the Fall Timbers Battlefield Commission, Heidelberg College, the City of Toledo, and the Metropolitan Park District of the Toledo Area, to implement the management plan.

SEC. 4. ESTABLISHMENT OF THE FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORIC SITE.

(a) IN GENERAL.—There is established, as an affiliated area of the National Park System, the Fallen Timbers Battlefield and Fort Miamis National Historic Site in the State of Ohio.

(b) DESCRIPTION.—The historic site is comprised of the following:

(1) The Fallen Timbers site, comprised generally of the following:

(A) The Fallen Timbers Battlefield site, consisting of an approximately 185-acre parcel located north of U.S. 24, west of U.S. 23 (approximately 1-475, south of the Norfolk and Western Railroad line, and east of I-475) and the Ohio Historical Society, the City of Maumee, the Maumee River Valley Heritage Corridor, the Fall Timbers Battlefield Commission, Heidelberg College, the City of Toledo, and the Metropolitan Park District of the Toledo Area, to implement the management plan.
SEC. 5. ADMINISTRATION OF HISTORIC SITES.
(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in a manner consistent with this Act and applicable provisions of the Omnibus National Park System Act of 1990 (16 U.S.C. 461 et seq.; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the management entity to provide technical assistance to ensure the marking, research, interpretation, education and preservation of the park, the battlefield and the Fort Miamis National Historic Site.

(c) REIMBURSEMENT.—Any payment made by the Secretary pursuant to this section shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(d) GENERAL MANAGEMENT PLAN.—
(1) IN GENERAL.—The Secretary, in consultation with the management entity and Native American tribes whose ancestors were involved in events at these sites, shall develop a general management plan for the historic site. The plan shall be prepared in accordance with section 12(b) of Public Law 91–339 (16 U.S.C. 461 et seq.; commonly known as the National Park System General Authorities Act).

(2) COMPLETION.—The plan shall be completed not later than 2 years after the date funds are made available.

(3) TRANSMITTAL.—Not later than 30 days after completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated such funds as are necessary to carry out this Act.

The Senate bill was ordered to be read a third time, and passed, and a motion to reconsider was laid on the table.

DIRECTING SECRETARY OF INTERIOR TO MAKE TECHNICAL CORRECTIONS TO MAP RELATING TO COASTAL BARRIER RESOURCES SYSTEM

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 574) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

Mr. SAXTON. I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 574) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

Mr. SAXTON. The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. SAXTON. I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 574) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

Mr. SAXTON. The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. SAXTON. I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 574) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

Mr. SAXTON. The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?
Mr. SAXTON. Mr. Speaker, finally, we are considering S. 1866, the John H. Chafee Coastal Barrier Resources System Act. The late Senator John H. Chafee was instrumental in the creation of this program in 1982, and he remained one of the program’s biggest supporters until his untimely death earlier this year.

The late Senator Chafee, in his role as ranking member and later chairman of the Senate Environment and Public Works Committee, was a guardian of this System’s integrity, and worked tirelessly to prevent any unnecessary encroachment into the System.

Senator Chafee served the people of Rhode Island with great distinction for over 20 years. It is a fitting tribute to his name to name the Coastal Barrier Resources System in his honor. I urge my colleagues to vote aye on this measure.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, further reserving my right to object, with the recent passing of Senator John H. Chafee, Congress has lost a compassionate advocate in the fights for the protection and conservation of our Nation’s natural heritage. Senator Chafee’s many legislative contributions, including his leadership in authorizing and improving key environmental legislation such as the Clean Water Act, the Clean Air Act, and the Endangered Species Act to only name a few, leave a legacy of accomplishment that is both daunting and admirable.

As many people know, Senator Chafee deeply loved the coastal barrier beaches and islands of his beloved Ocean State. Perhaps this lifelong affection explains why Senator Chafee worked so tirelessly to create the Coastal Barrier Resources System in 1982, and why he fought so strenuously to protect it in the intervening years.

If there really is a way to pay tribute to this man’s self-effacing manner, I can think of no better testimonial than to re-name the Coastal Barrier Resources System in his honor. It will serve as a lasting tribute to the man, and a reminder to us all of the important work that still remains unfinished in order to protect our Nation’s environment. I support this bill and urge all Members to vote for it.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 574

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

SECTION 1. CORRECTIONS TO MAP.

(a) In General.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to move on that map the boundaries of the otherwise protected area (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3903 note; Public Law 101-591)) to the Cape Henlopen State Park boundary to the extent necessary—

(1) to exclude from the otherwise protected area the adjacent property leased, as of the date of enactment of this Act, by the Barcroft Company and Cape Shores Associates (which are privately held corporations under the law of the State of Delaware); and

(2) to revise the otherwise protected area the northwestern corner of Cape Henlopen State Park seaward of the Lewes and Rehoboth Canal.

(b) Map Described.—The map described in this subsection is the map that is included in a set of maps entitled “Coastal Barrier Resources System” dated October 24, 1990, as revised October 15, 1992, and that relates to the unit of the Coastal Barrier Resources System entitled “Cape Henlopen Unit DE-03P”.

The Senate bill was ordered to be read a third time, was read the third time, and the motion to reconsider was laid on the table.

JOHN H. CHAEE COASTAL BARRIER RESOURCES SYSTEM ACT

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1866) to redesignate the Coastal Barrier Resources System as the “John H. Chafee Coastal Barrier Resources System,” and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “John H. Chafee Coastal Barrier Resources System Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) during the past 2 decades, Senator John H. Chafee was a leading voice for the protection of the environment and the conservation of the natural resources of the United States;

(2) Senator Chafee served on the Environment and Public Works Committee of the
Senate for 22 years, influencing every major piece of environmental legislation enacted during that time.

(3) Senator Chafee led the fight for clean air, clean water, safe drinking water and cleanup of toxic wastes, and for strengthening of the National Wildlife Refuge System and protections for endangered species and their habitats.

(4) millions of people of the United States breathe cleaner air, drink cleaner water, and enjoy more plentiful outdoor recreation opportunities because of the work of Senator Chafee.

(5) in 1980, Senator Chafee authored and succeeded in enacting into law the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) to minimize loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts; and

(6) to reflect the invaluable national contributions made by Senator Chafee during his service in the Senate, the Coastal Barrier Resources System should be named in his honor.

SEC. 3. REDESIGNATION OF COASTAL BARRIER RESOURCES SYSTEM IN HONOR OF JOHN H. CHAFEE.

(a) IN GENERAL.—The Coastal Barrier Resources System established by section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is redesignated as the “John H. Chafee Coastal Barrier Resources System”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Coastal Barrier Resources System shall be deemed to be a reference to the John H. Chafee Coastal Barrier Resources System.

(c) CONFORMING AMENDMENTS.—

(1) Section 2(b) of the Coastal Barrier Resources Act (16 U.S.C. 3501(b)) is amended by striking “Coastal Barrier Resources System” and inserting “the John H. Chafee Coastal Barrier Resources System”.

(2) Section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502) is amended by striking “Coastal Barrier Resources System” each place it appears and inserting “the John H. Chafee Coastal Barrier Resources System”.

(3) Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended—

(A) in the heading, by striking “COASTAL BARRIER RESOURCES SYSTEM” and inserting “JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM”; and

(B) by striking “Coastal Barrier Resources System” each place it appears appearing and inserting “the John H. Chafee Coastal Barrier Resources System”.

(4) Section 10(c)(2) of the Coastal Barrier Resources Act (16 U.S.C. 3505(c)(2)) is amended by striking “Coastal Barrier Resources System” and inserting “the John H. Chafee Coastal Barrier Resources System”.

(5) Section 10(b)(1)(B) of the Coastal Barrier Improvement Act of 1990 (12 U.S.C. 1441a-3(c)(2)(B)) is amended by striking “Coastal Barrier Resources System” and inserting “the John H. Chafee Coastal Barrier Resources System”.

(6) Section 12(c) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-589) is amended by striking “Coastal Barrier Resources System” and inserting “the John H. Chafee Coastal Barrier Resources System”.

(7) Section 1232 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) is amended—

(A) by striking the section heading and inserting the following:

“JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM”;

and

(b) by striking “Coastal Barrier Resources System” each place it appears and inserting “the John H. Chafee Coastal Barrier Resources System”.

The Senate bill was ordered to be read a third time, passed the third time, and passed, and a motion to reconsider was laid on the table.

FOSTER CARE INDEPENDENCE ACT OF 1999

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent to take up the bill (H.R. 3443) to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

The SPEAKER read the title of the bill.

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

Mr. CARDIN. Mr. Speaker, reserving the right to object, I ask the gentlewoman from Connecticut (Mrs. JOHNSON) to explain her request.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding to me under his reservation.

Mr. Speaker, my colleagues may recall that the House acted on the Independent Living bill, H.R. 1802, in June and approved it overwhelmingly by a vote of 380 to 6. Every provision of this bill has been developed and written on a bipartisan basis. In this regard, I want to once again thank the gentleman from Maryland (Mr. CARDIN) for his exceptionally capable work on this legislation.

I also want to thank the administration, especially Secretary Shalala, for their timely help with this legislation.

In addition, I thank the gentleman from Texas (Mr. DeLAY), the Majority Whip, who testified in the House and Senate as a foster parent and who has been instrumental in securing passage of this legislation. Indeed, we would not be here today without his help.

We have been working with our colleagues in the other body over the last several days to resolve differences and have agreed upon the version of the bill before us.

Mr. Speaker, I would like to express my appreciation to the Clinton Administration for their help in drafting this legislation.

I also want to join in recognizing Senator J ohn Chafee for the work that he did in regards to this bill along with Senator Rockefeller. He and Senator Chafee were incredible in seeing this legislation pass.

Senator Chafee's untimely death is a loss to all of us. Senator Chafee's unyielding commitment to improving the well being of all children and his willingness to reach beyond party and ideology will sorely be missed.

Mr. Speaker, this legislation is very important. As I indicated earlier, it is commitment by this body and by the Congress to say to children aging out of foster care that they are not going to be lost at the age of 18.

Mr. CARDIN. Mr. Speaker, I withdraw my reservation of objection.
November 18, 1999

CONGRESSIONAL RECORD – HOUSE

H12847

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut? There was no objection.

The Clerk read the bill, as follows:

H.R. 3443

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foster Care Independence Act of 1999.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLES

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

TITLES

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(E) A certification by the chief executive officer of the State that the State has consulted widely with public and private organizations in developing the plan and that the State will make every effort to coordinate the State programs receiving funds provided from an allotment made to the State under subsection (c) with other programs and activities of the State, the Federal Government, and the private sector.

(F) A certification by the chief executive officer of the State that the State will make every effort to coordinate the State programs receiving funds provided from an allotment made to the State under subsection (c) with other programs and activities of the State, the Federal Government, and the private sector.

(G) A certification by the chief executive officer of the State that each Indian tribe in the State has been consulted about the programs to be carried out under the plan.

(H) A certification by the chief executive officer of the State that the State will ensure the participation of the private sector in the program under this section participate directly in designing their own program activities that prepare them for independent living and that the adolescents accept personal responsibility for living up to their part of the program.

(I) A certification by the chief executive officer of the State that the State has established and will enforce standards and procedures to prevent fraud and abuse in the programs carried out under the plan.

(A) Approval.—The Secretary shall approve an application submitted by a State pursuant to paragraph (1) for a period if—

(A) the application is submitted on or before June 30 of the calendar year in which such period begins; and

(B) the Secretary finds that the application contains the material required by paragraph (1).

(S) Authority to Implement Certain Amendments; Notification.—A State with an application approved under paragraph (4) may implement amendments to the plan contained in the application if the application, incorporating the amendment, would be approvable under paragraph (4).

(A) Approval.—The Secretary shall not approve an amendment to a State plan that is not approvable as described in paragraph (5) unless the State has submitted a new application under subsection (c). The Secretary shall not approve an amendment to a State plan that is not approvable as described in paragraph (5) unless the State has submitted a new application under subsection (c).

(S) Allotments to States.—

(I) In general.—From the amount specified in subsection (h) that remains after application of the procedures to prevent fraud and abuse in the programs, the Secretary shall allocate

(A) 80 percent of the amount (if any) by

(A) the amount allotted to the State under subsection (e) for the fiscal year in which the quarter occurs, reduced by the total of payments made to a State under this section for fiscal years in which the quarter occurs, which is in excess of $500,000 or the amount payable to the State under this section for fiscal year 1996 bears to the sum of such excess amounts determined for such States.

(B) Ratable Reduction of Certain Allocations.—In the case of a State that

(A) the application is submitted on or before June 30 of the calendar year in which such period begins; and

(B) the Secretary finds that the application contains the material required by paragraph (1).

(S) Authority to Implement Certain Amendments; Notification.—A State with an application approved under paragraph (4) may implement amendments to the plan contained in the application if the application, incorporating the amendment, would be approvable under paragraph (4). Within 30 days after a State implements any such amendment, the State shall notify the Secretary of the amendment and the State shall notify the Secretary that the amendment has been operated in a manner that is inconsistent with, or not disclosed to, the Secretary.

(S) Report to the Congress.—Within 12 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the plan established under section 477(b) of the Social Security Act for each fiscal year.

(S) Sense of the Congress.—It is the sense of the Congress that States should provide medical assistance under the State plan approved under section 1115 of the Social Security Act for all eligible children who are not living with their parents or legal guardians and who have not been emancipated from foster care.
Subtitle B—Related Foster Care Provision

SEC. 111. INCREASE IN AMOUNT OF ASSETS ALLOWABLE FOR CHILDREN IN FOSTER CARE.

Section 420(a)(2) of the Social Security Act (42 U.S.C. 672(a)) is amended by adding at the end the following: ‘‘In determining whether a child would have received aid under a State plan approved under section 402 (as in effect on July 16, 1996), a child's whose resources (determined pursuant to section 420(a)(7)(B), as so in effect on such date) consists of value not more than $10,000 shall be considered to be a child whose resources have a combined value of not more than $1,000 (or such lower amount of money as the State may determine for purposes of such section 420(a)(7)(B)).’’

SEC. 112. PREPARATION OF FOSTER PARENTS TO PROVIDE FOR THE NEEDS OF CHILDREN IN STATE CARE.

(a) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ‘‘and’’ at the end of paragraph (2);

(2) by striking the period at the end of paragraph (2) and inserting ‘‘; and’’; and

(3) by adding at the end the following: ‘‘(ii) a State may establish consistent with paragraph (1) a program (B) for the State bears to the aggregate of subsections (A) and (B);’’.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

Subtitle C—Medicaid Amendments

SEC. 121. STATE OPTION OF MEDICAID COVERAGE FOR ADOLESCENTS LEAVING FOSTER CARE.

(a) IN GENERAL.—Subject to subsection (c), title XIX of the Social Security Act (42 U.S.C. 1396d) is amended—


(A) by striking ‘‘or’’ at the end of subsection (XIII); and

(B) by adding ‘‘or’’ at the end of subsection (XIV); and

(C) by adding at the end the following new subsection:

‘‘(XV) who are independent foster care adolescents (as defined in section 1905(v)(1)), or

who are within any reasonable categories of such adolescents specified by the State;’’;

and

(2) by adding at the end of section 1905 (42 U.S.C. 1396d) the following new subsection:

‘‘(v)(1) For purposes of this title, the term ‘independent foster care adolescent’ means an individual—

(A) who is under 21 years of age;

(B) with respect to whom foster care family, payments or independent living services were furnished under a program funded under part E of title IV before the date the individual attained 18 years of age;’’.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assis-

tance for items and services furnished on or after October 1, 1999.

(c) CONTINGENCY IN ENACTMENT.—If the Ticket to Work and Work Incentives Improvement Act of 1999 has not been enacted as of October 1, 2000, the amendments made by this section shall apply to the extent of any funding appropriated before, on, or after the date of the enactment of this Act.

Title II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Matters

SEC. 201. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECIPIENTS.

(a) AMENDMENT TO TITLE XVI.—Section 1602(a)(2) of the Social Security Act (42 U.S.C. 1382a(a)(2)) is amended by adding at the end the following new sentence: ‘‘If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual’s death, the representative payee shall be liable for the payment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.’’

(b) AMENDMENT TO TITLE XX.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended by adding at the end the following: ‘‘If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual’s death, the representative shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.’’

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 12 months after the date of the enactment of this Act.

SEC. 202. RECOVERY OF OVERPAYMENTS OF SSI BENEFITS FROM LUMP SUM SSI BENEFIT PAYMENTS.

(a) IN GENERAL.—Section 1631(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1383(b)(1)(B)(ii)) is amended—

(1) by adding ‘‘monthly’’ before ‘‘benefit payments’’; and

(2) by inserting ‘‘and in the case of an individual or eligible spouse to whom a lump sum payment is payable under this title (including under section 1631(a) of this Act or under an agreement entered into under section 212(a) of Public Law 93–66) shall, as at least one lump sum payment, make the adjustment or recovery from the lump sum payment in an amount equal to not less than the lesser of the amount of the overpayment or 50 percent of the lump sum payment,’’ before ‘‘unless fraud’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 12 months after the date of the enactment of this Act and shall apply to amounts incorrectly paid which remain outstanding on or after the date of the enactment of this Act.

SEC. 203. ADDITIONAL DEBT COLLECTION PRAC-

TICES.

(a) IN GENERAL.—Section 1631(b) of the Social Security Act (42 U.S.C. 1383(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

'(d)(A) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code, and in section 5514 of title 5, United States Code, all as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.

(B) For purposes of subparagraph (A), the term ‘‘delinquent amount’’ means an amount—

(i) in excess of the correct amount of payment under this title; and

(ii) paid to a person after such person has attained 18 years of age; and

(iii) determined by the Commissioner of Social Security, under regulations, to be both subject to recovery and not otherwise recoverable under this section after such person ceases to be a beneficiary under this title.’’.

(b) CONFIRMING AMENDMENTS.—Section 3702(a) (2) of title 31, United States Code, is amended by striking ‘‘section 204(f)’’ and inserting ‘‘sections 204(f) and 3702(a)(4)’’.

(c) TECHNICAL AMENDMENTS.—Subtitle A—Reduction of Overpayments to Deceased Recipients. Title II—SSI FRAUD PREVENTION. Section 204(a) of the Social Security Act (42 U.S.C. 404(a)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

'(f)(A) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code, and in section 5514 of title 5, United States Code, all as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.

(B) For purposes of subparagraph (A), the term ‘‘delinquent amount’’ means an amount—

(i) in excess of the correct amount of payment under this title; and

(ii) paid to a person after such person has attained 18 years of age; and

(iii) determined by the Commissioner of Social Security, under regulations, to be both subject to recovery and not otherwise recoverable under this section after such person ceases to be a beneficiary under this title.’’.
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(1) by striking "3711(e)" and inserting "3711(f)"; and

(2) by inserting "all" before "as in effect".

(d) Effective Date.—The amendments made by this section shall apply to debt outstanding on or after the date of the enactment of this Act.

SEC. 204. REQUIREMENT TO PROVIDE STATE PRISON INFORMATION TO FEDERAL AND FEDERALLY ASSISTED BENEFIT PROGRAMS.

Section 1612(a)(1) of the Social Security Act (42 U.S.C. 1382c(a)(1)(ii)(I)) is amended by striking "is authorized to" and inserting "shall".

SEC. 205. TREATMENT OF ASSETS HELD IN TRUST UNDER THESSI PROGRAM.

(a) Treatment as Resource.—Section 1613(c) of the Social Security Act (42 U.S.C. 1382c(b)) is amended by adding at the end the following:

``(e)(1) In determining the resources of an individual, paragraph (3) shall apply to a trust (other than a trust described in paragraph (5)) established by the individual.

``(2)(A) For purposes of this subsection, an individual shall be considered to have established a trust if any assets of the individual (or of the individual’s spouse) are transferred to the trust by will.

``(B) In the case of an irrevocable trust to which are transferred the assets of an individual (or of the individual’s spouse) and the assets of the individual (or of the individual’s spouse), this subsection shall apply to the portion of the trust attributable to the assets of the individual (or of the individual’s spouse).

``(C) This subsection shall apply to a trust without regard to—

``(i) the purposes for which the trust is established;

``(ii) whether the trustees have or exercise any discretion under the trust;

``(iii) any restrictions on when or whether distributions may be made from the trust; or

``(iv) any restrictions on the use of distributions from the trust.

``(3)(A) In the case of a revocable trust established by an individual, the corpus of the trust shall be considered a resource available to the individual.

``(B) In the case of an irrevocable trust established by an individual, if there are circumstances under which payment from the trust could be made to or for the benefit of the individual or the individual’s spouse, the corpus or other income from which payment to or for the benefit of the individual or the individual’s spouse could be made shall be considered a resource available to the individual.

``(4) The Commissioner of Social Security may waive the application of this subsection with respect to an individual if the Commissioner determines that such application would work an undue hardship (as determined on the basis of criteria established by the Commissioner) on the individual.

``(B) This subsection shall not apply to a trust described in subparagraph (A) or (C) of section 1917(d)(4).

``(6) For purposes of this subsection—

``(A) the term ‘trust’ includes any legal instrument or device that is similar to a trust;

``(B) the term ‘corpus’ means, with respect to a trust, all property and other interests held by the trust; and

``(C) the term ‘asset’ includes any income or resource of the individual or of the individual’s spouse, including—

``(i) any income excluded by section 1612(b);

``(ii) any resource otherwise excluded by this section; and

``(iii) any other payment or property to which the individual or the individual’s spouse is entitled but does not receive or have access to because of action by—

``(I) the individual or spouse;

``(II) a person or entity (including a court) with legal authority to act in place of, or on behalf of, the individual or spouse; or

``(III) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse;

``(B) Treatment of Income.—Section 1612(a)(2) of such Act (42 U.S.C. 1382c(a)(2)) is amended—

``(1) by striking ‘and’ at the end of subparagraph (E);

``(2) by striking the period at the end of subparagraph (F) and inserting ‘; and’; and

``(3) by adding at the end the following:

``(G) any earnings of, and additions to, the corpus of a trust established by an individual (within the meaning of section 1613(e)), of which the individual is a beneficiary, to the extent to which circumstances exist under which a payment from the earnings or additions could be made to or for the benefit of the individual;

``(C) Conforming Amendments.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

``(1) by striking ‘and’ at the end of subparagraph (E);

``(2) by adding ‘and’ at the end of subparagraph (F); and

``(3) by inserting after subparagraph (F) the following:

``(G) that, in applying eligibility criteria of the supplemental security income program under title XIX, purposes of providing medical assistance under the title, and eligibility for medical assistance under the State plan of an individual who is not receiving supplemental security income, the State will disregard the provisions of section 1613(e)’;

``(d) Effective Date.—The amendments made by this section shall take effect on January 1, 2000, and shall apply to trusts established on or after January 1, 2000.

SEC. 206. DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE UNDER THE SSI PROGRAM.

(a) In General.—Section 1612(c) of the Social Security Act (42 U.S.C. 1382c(c)) is amended—

``(1) by striking ‘the caption, by striking ‘Notification of Medicaid Policy Restricting Eligibility of Institutionalized Individuals for Benefits Based on’;

``(2) in paragraph (1)—

``(A) in subparagraph (A)—

``(i) by inserting ‘paragraph (1) and’ after ‘provisions of’;

``(ii) by striking ‘title XIX’ the first place it appears and inserting ‘this title and title XIX’;

``(iii) by striking ‘subsection (2)’ and inserting ‘subsection (2)’;

``(iv) by striking ‘subsection (2)’ and inserting ‘subsection (2)’;

``(v) by striking ‘subsection (2)’ and inserting ‘subsection (2)’;

``(B) in subparagraph (B)—

``(i) by striking ‘by the State agency’; and

``(ii) by striking ‘section 1917(c)’ and all that follows ‘paragraph (1) or section’ and inserting ‘paragraph (1) and’;

``(C) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

``(3) in paragraph (2) and inserting ‘subsection (2)’;

``(A) by striking ‘(2)’ and inserting ‘(B)’;

``(B) by striking ‘paragraph (1)(B)’ and inserting ‘paragraph (1)(A)’;

``(2) by striking paragraph (4) and inserting paragraph (4)’;

``(3) by adding ‘and’ at the end of subparagraph (F);

``(4) by striking ‘(a)’ and inserting ‘(b)’;

``(5) by striking paragraph (5) and inserting paragraph (5); and

``(6) by striking paragraph (6) and inserting paragraph (6).’’

(b) Treatment as Income.—Section 1917(d)(4) of such Act (42 U.S.C. 1382c(d)(4)) is amended—

``(1) by striking ‘and’ at the end of subparagraph (E);

``(2) by striking ‘and’ at the end of subparagraph (F); and

``(3) by adding at the end the following:

``(G) any earnings of, and additions to, the corpus of a trust established by an individual (within the meaning of section 1613(e)), of which the individual is a beneficiary, to the extent to which circumstances exist under which a payment from the earnings or additions could be made to or for the benefit of the individual;’’

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````""""November 18, 1999 CONGRESSIONAL RECORD Ð HOUSE (f) by striking ‘and’ at the end of subparagraph (F); and

````(2) by striking ‘and’ at the end of subparagraph (F); and

````(3) by adding at the end the following:

````(G) any earnings of, and additions to, the corpus of a trust established by an individual (within the meaning of section 1613(e)), of which the individual is a beneficiary, to the extent to which circumstances exist under which a payment from the earnings or additions could be made to or for the benefit of the individual;’’

````````````""""(C) Conforming Amendments.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

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“(iii) a sibling of the transferor who has an equity interest in such home and who was residing in the transferor’s home for a period of at least 1 year immediately before the date on which the transferor becomes an institutionalized individual; or

“(iv) a son or daughter of the transferor (other than a child described in subsection (ii)) who was residing in the transferor’s home for a period of at least 2 years immediately before the date the transferor becomes an institutionalized individual, and who provided care to the transferor which permitted the transferor to reside at home rather than in such an institution or facility;

“(iii) the resources—

“(I) were transferred to the transferor’s spouse or to another for the sole benefit of the transferor’s spouse;

“(II) were transferred from the transferor’s spouse to another for the sole benefit of the transferor’s spouse;

“(iii) were transferred to, or to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of, the transferor’s child who is blind or disabled; or

“(iv) were transferred to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of an individual who has not attained 65 years of age and who is disabled;

“(iii) a satisfactory showing is made to the Commissioner of Social Security (in accordance with regulations promulgated by the Commissioner) that the denial of eligibility would work an undue hardship as determined on the basis of criteria established by the Commissioner;

“(D) For purposes of this subsection, in the case of a resource held by an individual in common with another person or persons in a joint tenancy or tenancy in common, the Commissioner shall apportion the period (or any portion of the period) among the individual and the individual’s spouse if the spouse becomes eligible for and receiving such benefits, to the extent that the Commissioner determines, under procedures established by the Commissioner, that the denial of eligibility would work an undue hardship as determined on the basis of criteria established by the Commissioner;

“(E) In the case of a transfer by the spouse of an individual that results in a period of ineligibility for the individual under this subsection, the Commissioner shall appraise the period (or any portion of the period) among the individual and the individual’s spouse if the spouse becomes eligible for benefits under this title;

“(F) For purposes of this paragraph—

“(i) the term ‘benefits under this title’ includes payments of the type described in section 1616(a) of this Act and the type described in section 212(b) of Public Law 93–66;

“(ii) the term ‘institutionalized individual’ has the meaning given such term in section 1917(c)(3); and

“(iii) the term ‘trust’ has the meaning given such term in subsection (e)(6)(A) of this section;

“(b) CONFORMING AMENDMENT.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), as amended by section 202 of this Act, is amended by striking ‘section 1613(e)” and inserting ‘subsections (c) and (e) of section 1613;’.

“(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to disposals made on or after the date of the enactment of this Act.

“SEC. 207. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

“(a) IN GENERAL.—A person who makes, or causes to be made, a statement or representation of a material fact for use in determining any initial or continuing right to or amount of benefits under title XVI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129 the following:

“SEC. 1129A. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

“(a) IN GENERAL.—A person who makes, or causes to be made, a statement or representation of a material fact for use in determining any initial or continuing right to or amount of benefits under title XVI, the Commissioner of Social Security may impose a penalty described in subsection (b) to the extent that such person knew or should have known that the person knows or should know that such statement or representation was false or misleading or knows or should know omits a material fact or who makes such a statement with knowing disregard for the truth.

“(1) monthly insurance benefits under title II;

“(2) benefits or supplementary payments made by the Commissioner under title XVI to another person.

“(b) PENALTY.—The penalty described in this subsection is—

“(1) nonpayment of benefits under title II that would otherwise be payable to the person; and

“(2) ineligibility for cash benefits under title XVI, for each month that begins during the applicable period described in subsection (c).

“(c) DURATION OF PENALTY.—The duration of the applicable period, with respect to a determination by the Commissioner under subsection (a) that a person has engaged in conduct described in subsection (b), shall be—

“(1) six consecutive months, in the case of the first such determination with respect to the person;

“(2) twelve consecutive months, in the case of the second such determination with respect to the person; and

“(3) twenty-four consecutive months, in the case of the third such determination with respect to the person.

“(d) EFFECT ON OTHER ASSISTANCE.—A person subject to a period of nonpayment of benefits under title II for conduct described in this subsection is not eligible for Medicaid during such period of nonpayment of benefits under title II. Nothing in this section may be construed to require the Commissioner to exclude such an individual from any assistance program in the case of a determination under paragraphs (1) and (2) of this section.

“(e) DEFINITION.—In this section, the term ‘benefits under title XVI’ includes State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66;

“(f) CONSULTATIONS.—The Commissioner of Social Security shall consult with the Inspector General of the Social Security Administration regarding initiating actions for the exclusion of any medical evidence derived from services provided by a health care provider under this section.

“(g) PENALTY.—In the case of a violation of a section of this Act or 1632 of this Act;

“(h) who is convicted of any violation under title 18, United States Code, relating to an initial application for or continuing entitlement to, or amount of, benefits under title II of this Act, or an initial application for or continuing eligibility for, or amount of, benefits under title XVI of this Act; or

“(i) who the Commissioner determines has committed an offense described in section 1129(a)(3) of this Act.

“SEC. 208. EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS.

“(a) IN GENERAL.—The Commissioner of Social Security shall exclude from participation in the social security programs an individual or representative of a health care provider—

“(1) who is convicted of a violation of section 208 or 1632 of this Act;

“(2) who is convicted of any violation under title 18, United States Code, relating to an initial application for or continuing entitlement to, or amount of, benefits under title II of this Act, or an initial application for or continuing eligibility for, or amount of, benefits under title XVI of this Act; or

“(3) who the Commissioner determines has committed an offense described in section 1129(a)(3) of this Act.

“(b) NOTICE, EFFECTIVE DATE, AND PERIOD OF EXCLUSION.—(1) An exclusion under this section shall be effective at such time, for such period, and upon such notice to the public and to the individual excluded as may be specified in regulations consistent with paragraph (2).

“(2) Such an exclusion shall be effective with respect to services furnished to any individual on or after the effective date of the exclusion. Nothing in this section may be construed to require the Commissioner to exclude an individual from any assistance program in the case of a determination under paragraphs (1) and (2) of this section.

“(B) Subject to subparagraph (C), in the case of an exclusion under subsection (a), the minimum period of exclusion shall be five years, except that the Commissioner may waive the exclusion in the case of an individual who is the sole source of essential care for an individual who is under 18 years of age or is blind or disabled. The Commissioner’s decision whether to waive the exclusion shall not be reviewable.

“(C) In the case of an exclusion under this subsection, the Commissioner shall not take into consideration a conviction or a determination described in subsection (a)(3) occurring on or after the date

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of the enactment of this section, if the individual has (before, on, or after such date of the enactment) been convicted, or if such a determination has been made with respect to the individual:

(1) on one previous occasion of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be not less than 10 years; or

(2) on two or more previous occasions of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be permanent.

(2) The provisions of section 205(h) shall apply with respect to this section to the Commissioner to records maintained by any representative or health care provider who has been convicted of a violation described in subsection (a).

(3) C ONVICTED. — An individual is considered to have been `convicted' of a violation—

(A) in connection with a representative, to prohibit from engaging in representation of an applicant for, or recipient of, benefits, in a proceeding relating to entitlement to benefits; and

(B) in connection with a health care provider, to prohibit from providing items or services to an applicant for, or recipient of, benefits, in a proceeding relating to entitlement to benefits; and

(2) (g) A VAILABILITY OF RECORDS OF EXCLUDED REPRESENTATIVES AND HEALTH CARE PROVIDERS. — Nothing in this section shall be construed to have the effect of limiting access by any applicant or beneficiary under title II or XVI, any State agency acting under section 221 or 1633(a), or the Commissioner to records maintained by any representative or health care provider in connection with services provided to the applicant or beneficiary prior to the exclusion of such representative or health care provider under this section.

(2) (h) R EPORTING REQUIREMENT. — Any representative or health care provider participating in, or seeking to participate in, a social security program shall inform the Commissioner, in such form and manner as the Commissioner shall prescribe by regulation, whether such representative or health care provider has been convicted of a violation described in subsection (a).

(3) (i) D ELEGATION OF AUTHORITY. — The Commissioner may delegate authority granted by this section to the Inspector General of the Social Security Administration.

(4) (j) D EFINITIONS. — For purposes of this section:

(1) E XCLUDE. — The term `exclude' from participation means:

(A) in connection with a representative, to prohibit from engaging in representation of an applicant for, or recipient of, benefits, in a proceeding relating to entitlement to benefits; and

(B) in connection with a health care provider, to prohibit from providing items or services to an applicant for, or recipient of, benefits, in a proceeding relating to entitlement to benefits; and

(2) TIMELY PROCESSING OF REPORTED INCOME CHANGES. — Any individual receiving benefits for the purpose of assisting such applicant or recipient in demonstrating disability shall notify the Commissioner of any changes by individuals receiving such benefits; and

(3) (k) DELEGATION OF AUTHORITY. — The Commissioner may delegate authority granted by this section to the Inspector General of the Social Security Administration.

(4) (l) REPORT. — Not later than 1 year after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report that contains the results of the Commissioner's study under subsection (a). The report shall include such recommendations for legislative and administrative changes as the Commissioner considers appropriate.

SEC. 211. A NNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.

(a) I N GENERAL. — Section 704(b)(1) of the Social Security Act (42 U.S.C. 904(b)(1)) is amended—

(1) by inserting `(A) after `(B); and`

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

`((B) The Commissioner shall include in the annual budget prepared pursuant to subparagraph (A) an itemization of the amount of funds required by the Social Security Administration for the fiscal year covered by the budget to support efforts to combat fraud committed by applicants and beneficiaries.)'.''

SEC. 212. A NNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.

(a) I N GENERAL. — Section 1611(e)(1)(G) of the Social Security Act (42 U.S.C. 1381(a)(1)) is amended by adding at the end the following:

`(`(j) For the purpose of carrying out this paragraph, the Commissioner of Social Security shall conduct periodic computer matches with data maintained by the Secretary of Health and Human Services under this subchapter or other Federal law for the use, safeguarding, and disclosure of information are deemed to meet any standards of the State that would apply equally to the receipt of such information by the State to the Commissioner.

SEC. 213. A NNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.

(a) I N GENERAL. — Section 212(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(b) C ONFORMING AMENDMENT. — Section 212(b)(1)(G) of such Act (42 U.S.C. 1382a(b)(1)(G)) is amended by inserting `subparagraph (H)'' and inserting `subparagraph (H) or (I)'.

SEC. 214. A NNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.

(a) I N GENERAL. — Section 1611(e)(1)(G) of the Social Security Act (42 U.S.C. 1381(a)(1)) is amended by adding at the end the following:

(b) C ONFORMING AMENDMENT. — Section 214(b)(1)(G) of such Act (42 U.S.C. 1382a(b)(1)(G)) is amended by inserting `subparagraph (H)'' and inserting `subparagraph (H) or (I)'.
(1) by striking "(B) The' and inserting "(B)(ii) The'; and
(2) by adding at the end the following new clause:
"(iii) The Commissioner of Social Security may require each applicant for, or recipient of, benefits under this title to provide any person or representative of such person (or by any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) to the Commissioner to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (or any such other person) whenever the Commissioner determines the record is needed in connection with a determination with respect to such eligibility or the amount of such benefits.

"(ii) Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided by an applicant or recipient (or any such other person whose income or resources are material to the determination of the eligibility of the applicant or recipient) pursuant to clause (i) of this subsection shall remain effective until the earliest of:

"(aa) the rendering of a final adverse decision on the applicant's application for eligibility for benefits under this title;

"(bb) the cessation of the recipient's eligibility for benefits under this title; or

"(cc) the express revocation by the applicant or recipient (or such other person referred to in clause (ii) of the authorization, in a written notification to the Commissioner.

"(iii) An authorization obtained by the Commissioner of Social Security pursuant to this clause shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a)(1) of such Act.

"(bb) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the Commissioner of Social Security pursuant to an authorization provided under this clause.

"(cc) A request by the Commissioner pursuant to an authorization provided under this clause to the financial institution shall not be considered to satisfy the certification requirements of section 1104(a)(3) of the Right to Financial Privacy Act and the flush language of section 1103(b) of such Act.

"(V) If an applicant for, or recipient of, benefits under this title (or any other person referred to in subclause (I)) fails to provide, or revokes, any authorization made by the applicant or recipient for the Commissioner of Social Security to obtain from any financial institution any financial record, the Commissioner may, on that basis, determine that the applicant or recipient is ineligible for benefits under this title.

Subtitle B—Benefits For Certain World War II Veterans

SEC. 251. ESTABLISHMENT OF PROGRAM OF SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS

(a) IN GENERAL.—The Social Security Act is amended by inserting after section 7 the following new section:

"TITLE VIII—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS

"Table of Contents

"Sec. 801. Basic entitlement to benefits.

"Sec. 802. Qualified individuals.

"Sec. 803. Residence outside the United States.

"Sec. 804. Disqualifications.

"Sec. 805. Requirements.

"Sec. 806. Applications and furnishing of information.

"Sec. 807. Determination of eligibility for benefits.

"Sec. 808. Overpayments and underpayments.

"Sec. 809. Hearings and review.

"Sec. 810. Other administrative provisions.

"Sec. 811. Penalties for fraud.

"Sec. 812. Definitions.

"Sec. 813. Appropriations.

"Sec. 801. BASIC ENTITLEMENT TO BENEFITS.

"Every individual who is a qualified individual under section 802 shall, in accordance with and subject to the provisions of this title, be entitled to a monthly benefit payable by the Commissioner of Social Security for each month after September 2000 (or such earlier month, if the Commissioner determines is administratively feasible) the individual resides outside the United States.

"Sec. 802. QUALIFIED INDIVIDUALS.

"Except as otherwise provided in this title, an individual—

"(1) who has attained the age of 65 on or before the date of the enactment of this title;

"(2) who is a World War II veteran;

"(3) who is eligible for a supplemental security income benefit under title XVII for—

"(A) the month in which this title is enacted; and

"(B) the month in which the individual files an application for benefits under this title;

"(4) whose total benefit income is less than 75 percent of the Federal benefit rate under title XVI;

"(5) who has filed an application for benefits under this title;

"(6) who is in compliance with all requirements imposed by the Commissioner of Social Security under this title, shall be a qualified individual for purposes of this title.

"Sec. 803. RESIDENCE OUTSIDE THE UNITED STATES.

"For purposes of section 801, with respect to any month, an individual shall be regarded as residing outside the United States if, on the first day of the month, the individual resides outside the United States.

"Sec. 804. DISQUALIFICATIONS.

"(a) IN GENERAL.—Notwithstanding section 802, an individual may not be a qualified individual for any month—

"(1) that begins in the month in which the Commissioner of Social Security is notified by the Attorney General that the individual has been removed from the United States pursuant to section 237(a) or 223(a)(6)(A) of the Immigration and Nationality Act and before the month in which the individual is lawfully admitted to the United States for permanent residence;

"(2) during any part of which the individual is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the United States or the jurisdiction within the United States from which the person has fled, for a crime, or an attempt to commit a crime, that is a felony under the laws of the place from which the individual has fled, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State;

"(3) during any part of which the individual violates a condition of probation or parole imposed under Federal or State law; or

"(4) during which the individual resides in a foreign country and is not a citizen or national of the United States if payments for such month to individuals residing in such country are withheld by the Treasury Department under section 3329 of title 31, United States Code.

"Sec. 805. REQUIREMENT FOR ATTORNEY GENERAL.—For the purpose of carrying out subsection (a)(1), the Attorney General shall notify the Commissioner of Social Security as soon as practicable after the removal of any individual under section 237(a) or 223(a)(6)(A) of the Immigration and Nationality Act.

"Sec. 806. BONUS BENEFIT AMOUNT.

"The benefit under this title payable to a qualified individual for any month shall be in an amount equal to 75 percent of the Federal benefit rate for the month, reduced by the amount of the qualified individual's benefit income for the month.

"Sec. 807. APPLICATIONS AND FURNISHING OF INFORMATION.

"(a) IN GENERAL.—The Commissioner of Social Security shall, subject to subsection (b), prescribe such requirements with respect to the filing of applications, the furnishing of information and other material, and the obligation to provide such information, as the Commissioner determines, to be necessary to effectuate the purposes of this title.

"(B) VERIFICATION REQUIREMENT.—The requirements prescribed by the Commissioner of Social Security under subsection (a) shall provide for verification of information from independent and collateral sources, and the procurement of additional information as necessary in order that the benefit paid or provided only to qualified individuals (or their representative payees) in correct amounts.

"Sec. 808. REPRESENTATIVE PAYEE.

"(a) IN GENERAL.—If the Commissioner of Social Security determines that the interest of any qualified individual under this title would be served thereby, payment of the qualified individual's benefit under this title may be made, regardless of the legal competency or incompetency of the qualified individual, or for his or her benefit, to another person (the meaning of which term, for purposes of this section, includes an organization) with respect to whom the requirements prescribed by the Commissioner of Social Security under subsection (b) have been met (in the section referred to as the qualified individual's 'representative payee').

"(b) EXAMINATION OF FITNESS OF PROSPECTIVE REPRESENTATIVE PAYEE.—The Commissioner of Social Security may, under subsection (a) to pay the benefits of a qualified individual to a representative payee shall be made on the basis of—

"(1) an investigation by the Commissioner of Social Security of the person to serve as representative payee, which shall be conducted in advance of the determination and shall consist of such face-to-face interview with the person (or, in the case of an organization, a representative of the organization); and

"(2) adequate evidence that the arrangement is in the interest of the qualified individual.
OF UNDESIRABLE PAYEES. — The Commissioner, in the capacity as a representative payee, may prescribe circumstances under which the Commissioner of Social Security makes a determination described in the first sentence of subsection (a) with respect to any qualified individual. The Commissioner of Social Security may require a report at any time from any person receiving payments on behalf of a qualified individual, if the Commissioner of Social Security has reason to believe that the person receiving the payments is misusing the payments.

PERSONS INELIGIBLE TO SERVE AS REPRESENTATIVE PAYEE. —

(i) If, in the capacity as a representative payee, the person has been convicted of a violation of section 208, 811, or 1632; and

(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

(iii) no other more suitable representative payee can be found.

DEFERRAL OF PAYMENT PENDING APPOINTMENT OF REPRESENTATIVE PAYEE. —

(a) If, in the capacity as a representative payee, the person has been convicted of a violation of section 208, 811, or 1632; and

(b) except as provided in paragraph (c), payment of benefits to the person in the capacity as a representative payee has been revoked or terminated pursuant to section 1631(a), or section 1631(a)(2); and

(c) the procedures referred to in subparagraph (b) have been followed.

(1) The person poses no risk to the qualified individual;

(2) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

(3) no other more suitable representative payee can be found.

ACCOUNTABILITY MONITORING. —

In any case where payment under this title is made to a person other than the qualified individual entitled to the payment, the Commissioner of Social Security shall establish and maintain lists which shall be updated periodically and which shall be in a form that renders such lists available to the servicing offices of the Social Security Administration. The lists shall consist of —

(i) the names (and if issued) social security account numbers or employer identification numbers of all persons with respect to whom, in the capacity of representative payee, benefits has been revoked or terminated under this section, section 1631(a), or section 1631(a)(2); (ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

(3) the names (and if issued) social security account numbers or employer identification numbers of all persons who have been convicted of a violation of section 208, 811, or 1632.

PERSONS INELIGIBLE TO SERVE AS REPRESENTATIVE PAYEE. —

(i) The Commissioner of Social Security may grant an exemption from subsection (a) to any person on a case-by-case basis if the exemption is in the best interest of the qualified individual whose benefits would be paid to the person pursuant to this section.

(ii) The person is a care facility under the law of the political jurisdiction in which the qualified individual resides.

(iii) The person is a representative payee designated pursuant to this section, section 205(j), or section 1631(a)(2).

(iv) The person is in the capacity as a representative payee.

(v) The person is determined by the Commissioner of Social Security, on the basis of written findings and pursuant to procedures prescribed by the Commissioner of Social Security, to be acceptable to serve as a representative payee.

(vi) The Commissioner of Social Security has reason to believe that the person receiving the payments is misusing the payments.

(vii) The person has been convicted of a violation of section 208, 811, or 1632; and

(viii) The person is a care facility under the law of the political jurisdiction in which the qualified individual resides.

(ix) The person is a representative payee designated pursuant to this section, section 205(j), or section 1631(a)(2).
proper adjustment or recovery shall be made, as follows:

(I) With respect to payment to a person of more than the correct amount, the Commissioner of Social Security shall decrease any payment—

(A) under this title to which the overpaid person (if a qualified individual) is entitled, or that overpaid person or his or her estate to refund the amount in excess of the correct amount, or, if recovery is not obtained under these 2 methods, shall seek or pursue other means of recovery of the amount due, or, if recovery is not obtained under these 2 methods, shall seek or pursue other means of recovery of the amount due or when no such benefit is authorized.

(B) to recover the amount in excess of the correct amount, if the person is not currently eligible for payment under this title.

(II) With respect to payment of less than the correct amount to a qualified individual who, at the time the Commissioner of Social Security is prepared to take action with respect to the underpayment—

(A) if such individual is living, the Commissioner of Social Security shall make payment to the qualified individual (or the qualified individual's representative payee designated under section 600 of the Social Security Act) of the balance of the amount due the underpaid qualified individual; or

(B) if such individual is deceased, the balance of the amount due shall revert to the general fund of the Treasury.

(II) NO EFFECT ON TITLE VIII ELIGIBILITY OR BENEFIT AMOUNT.—In any case in which the Commissioner of Social Security takes action in accordance with subsection (a)(1)(B) to recover an amount incorrectly paid to an individual, that individual shall not, as a result of such action—

(I) become qualified for benefits under this title; or

(II) if such individual is otherwise so qualified, become qualified for increased benefits under this title.

(III) WAIVER OF RECOVERY OF OVERPAYMENT.—In any case in which more than the correct amount of payment has been made, there shall be no adjustment of payments to, or recovery by, the United States from, any person who is without fault if the Commissioner of Social Security determines that the adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

(IV) LIMITED IMMUNITY FOR DISBURSING OFFICERS.—A disbursing officer may not be held liable for any amount paid by the officer if the adjustment or recovery of the amount is waived under subsection (a) or an action under subsection (a) is not completed before the death of the qualified individual against whose benefits deductions are authorized.

(V) AUTHORIZED COLLECTION PRACTICES.—In general.—With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(e), 3716, and 3718 of title 31, United States Code, as in effect on October 1, 1994.

(VI) DEFINITION.—For purposes of paragraph (I), the term ‘delinquent amount’ means an amount—

(A) in excess of the correct amount of the payment to which the individual is entitled under this title;

(B) determined by the Commissioner of Social Security to be otherwise unrecoverable under this section from a person who is not a qualified individual (as defined under title XVI).

"SEC. 809. HEARINGS AND REVIEW.

(a) HEARINGS.—

(I) IN GENERAL.—The Commissioner of Social Security shall make findings of fact and decisions determining any rights of any individual applying for payment under this title.

(II) AS A MATTER OF JUDICIAL REVIEW.—The Commission of Social Security shall provide for reasonable notice and opportunity for a hearing to any individual who is or claims to be a qualified individual and is in disagreement with any determination under this title concerning eligibility for benefits, or the amount of benefits under this title, if the individual requests a hearing in writing within 60 days after notice of the determination is given to the individual, and if a hearing is held, shall, on the basis of evidence adduced at the hearing, affirm, modify, or reverse the Commissioner of Social Security’s finding and the decision. The Commissioner of Social Security may, on the Commissioner of Social Security’s own motion, hold such hearings and conduct such investigations as the Commissioner of Social Security deems necessary or proper for the administration of this title. In the course of any hearing, investigation, or other proceeding, the Commissioner may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Commissioner of Social Security even though inadmissible under the rules of evidence applicable to court procedure. The Commissioner of Social Security shall accept any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining whether the individual is entitled to benefits under this title.

(II) APPEALS.—Any individual whose application has been denied or whose request for reconsideration of such an initial determination has been denied shall have the right to appeal to the Commissioner of Social Security. In the course of any hearing, investigation, or other proceeding, the Commissioner may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Commissioner of Social Security even though inadmissible under the rules of evidence applicable to court procedure. The Commissioner of Social Security shall accept any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining whether the individual is entitled to benefits under this title.

(III) APPEAL TO THE ADMINISTRATION.—With respect to payment of less than the correct amount, if the individual acted in good faith or was at fault, and in determining fraud, deception, or misrepresentation, the Commissioner shall specifically take into account any rules of evidence applicable to court procedure.

(IV) APPEAL TO THE ADMINISTRATION.—With respect to payment of less than the correct amount, if the individual acted in good faith or was at fault, and in determining fraud, deception, or misrepresentation, the Commissioner shall specifically take into account any rules of evidence applicable to court procedure. The Commissioner shall accept any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining whether the individual is entitled to benefits under this title.

(III) APPEAL TO THE ADMINISTRATION.—With respect to payment of less than the correct amount, if the individual acted in good faith or was at fault, and in determining fraud, deception, or misrepresentation, the Commissioner shall specifically take into account any rules of evidence applicable to court procedure. The Commissioner shall accept any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining whether the individual is entitled to benefits under this title.

(V) APPEAL TO THE ADMINISTRATION.—With respect to payment of less than the correct amount, if the individual acted in good faith or was at fault, and in determining fraud, deception, or misrepresentation, the Commissioner shall specifically take into account any rules of evidence applicable to court procedure. The Commissioner shall accept any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining whether the individual is entitled to benefits under this title.

(IV) APPEAL TO THE ADMINISTRATION.—With respect to payment of less than the correct amount, if the individual acted in good faith or was at fault, and in determining fraud, deception, or misrepresentation, the Commissioner shall specifically take into account any rules of evidence applicable to court procedure. The Commissioner shall accept any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining whether the individual is entitled to benefits under this title.

(V) APPEAL TO THE ADMINISTRATION.—With respect to payment of less than the correct amount, if the individual acted in good faith or was at fault, and in determining fraud, deception, or misrepresentation, the Commissioner shall specifically take into account any rules of evidence applicable to court procedure. The Commissioner shall accept any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining whether the individual is entitled to benefits under this title.
TITLE II.—Section 205(j) of such Act (42 U.S.C. or'' before ``1631(a)(2)''; and
(3) special benefits for certain World War II veterans payable under title VII; but
(A) in the end of clause (ii), by striking `"but" and inserting "and"; and
(C) by adding at the end a new clause as follows:
(iv) special benefits for certain World War II veterans payable under title VII; but
(D) by redesignating subparagraph (D) as subparagraph (E).
SEC. 1129 of such Act (42 U.S.C. 1320a±5) is amended—
(A) in paragraph (1)(A), by inserting ``807'' after ``205(j)(4)''.
(4) SOCIAL SECURITY ADVISORY BOARD.—
(A) in subparagraph (A)(iii), by inserting 
(B) in subparagraph (A)(ii)(I), by inserting ``title VIII'' before ``or title XVI''.
(D) in subparagraph (e)(2)(B), by striking 
(E) in subparagraph (C)(i), by inserting after ``title XVI'' and inserting 
``title VIII or XVI''.
(5) DELIVERY OF CHECKS.—Section 708 of such Act (42 U.S.C. 657(d)) is amended—
(A) in subsection (a), by striking ``title XVI'' before ``or title VIII''; and
(B) in subsection (b), by striking ``title XVI'' and inserting 
``title VIII or XVI''.
(6) CIVIL MONETARY PENALTIES.—Section 1129 of such Act (42 U.S.C. 1320a±8) is amended—
(A) in the title by, striking ``and'' and inserting 
(B) in subsection (a), by striking ``titile VIII'' and inserting 
``title VIII or XVI''; and
(C) by inserting a new subsection as follows: 
(1) the State share of amounts collected pursuant to section 807(a),'' be-
(D) in subsection (e)(1)(A), by inserting ``807'' after ``205(j)(4)''.
(7) RECOVERY OF SSI OVERPAYMENTS.—
SEC. 261. STUDY OF DENIAL OF SSI BENEFITS FOR FAMILY FARMERS.
(a) IN GENERAL.—The Commissioner of Social Security shall conduct a study of the extent to which family farmers have less than the correct amount of any payment has been revoked pursuant to section 807(a), before or on'' or ``1632''.
(b) REPORT TO THE CONGRESS.—Within 1 year after the date of enactment of this Act, the Commissioner of Social Security shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains the results of the study, and the determination, required by subsection (a).
TITLE III—CHILD SUPPORT
SEC. 301. NARROWING OF HOLD-HARMLESS PROVISION FOR STATE SHARE OF DISTRIBUTION OF COLLECTED CHILD SUPPORT.
(a) IN GENERAL.—Section 457(d) of the Social Security Act (42 U.S.C. 657(d)) is amended to read as follows:
(2) HOLD HARMLESS PROVISION.—If—
(1) the State share of amounts collected in the fiscal year which could be retained to reimburse the State for amounts paid to families as assistance by the State is less than the State share of such amounts collected in fiscal year 1995 (determined in accordance with section 457 as in effect on August 21, 1996);
(2) the State has distributed to families that formerly received assistance under the program under part A at least 80 percent of the current support payments collected during the preceding fiscal year on behalf of such families, and the amounts distributed were determined by subtracting the amount or type of assistance provided under the program under part A or
(b) the State has distributed to families that formerly received assistance under the program under part A the State share of the amounts collected pursuant to section 464 that could have been retained as reimbursement for assistance paid to families, then the State share otherwise determined for the fiscal year shall be increased by an amount equal to 80 percent of the amount which, if the State share for fiscal year 1995 exceeded the State share for the fiscal year (determined without regard to this subsection).
(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective
November 18, 1999
with respect to calendar quarters occurring during the period that begins on October 1, 1998, and ends on September 30, 2001.

(c) REPEAL.—Effective October 1, 2001, section 466(a) of the Social Security Act (42 U.S.C. 657) is amended—

(1) in subsection (a), by striking "subsections (e) and (f)" and inserting "subsections (e) and (f)"; and

(2) by striking subsection (d); and

(3) in subsection (e), by striking the second sentence; and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. TECHNICAL CORRECTIONS RELATING TO POLICY PROVISIONS MADE BY THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) Section 402(a)(5)(b)(iv) of the Social Security Act (42 U.S.C. 602(a)(1)(B)(iv)) is amended by striking "Act" and inserting "section".

(b) Section 400(a)(7)(b)(i)(II) of the Social Security Act (42 U.S.C. 609(a)(1)(B)(ii)(I)) is amended by striking "part" and inserting "section".

(c) Section 413(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking "Act" and inserting "section".

(d) Section 420(a)(1)(A) of the Social Security Act (42 U.S.C. 652(a)(1)(A)) is amended by striking "Opportunity Act" and inserting "Opportunity Reconciliation Act".

(e) Section 431(a)(6) of the Social Security Act (42 U.S.C. 659(a)(6)) is amended—

(1) by inserting ":", as in effect before August 2, 1996, after "452(a)(1)(A)"; and

(2) by inserting ":", as in effect after "452(a)(1)(A)", and

(3) by striking "Act" and inserting "section" at the end of each of paragraphs (A), (B), and (C) and inserting a semicolon; and

(f) Section 452(a)(7) and 466(c)(2)(A)(ii) of the Social Security Act (42 U.S.C. 652(a)(7) and 666(c)(2)(A)(ii)) are each amended by striking "Social Security" and inserting "social security".

(g) Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) by striking "or" at the end of each of paragraphs (6)(E)(i) and (19)(B)(i) and inserting ": or";

(2) in paragraph (9), by striking the comma at the end of each of subparagraphs (A), (B), and (C) and inserting a period; and

(3) by striking "Act" and indenting "section" at the end of each of paragraphs (19)(A) and (24)(A) and inserting "section";

and

(h) Section 454(c)(24)(B) of the Social Security Act (42 U.S.C. 654(c)(24)(B)) is amended by striking "Opportunity Act" and inserting "Opportunity Reconciliation Act".

(i) Section 344(b)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2236) is amended to read as follows:

"(A) in paragraph (1), by striking subpara-
graph (B) and inserting the following:

"(B) equal to the percent specified in para-
graph (3) of the sums expended during such quarter by the State on participation to the planning, design, development, installation or enhancement of an automatic data processing and information retrieval system (including in such sums the full cost of the hardware components of such system); and"

and


(l) Effective on the date of the enactment of this Act, section 404(e) of the Social Security Act (42 U.S.C. 604(e)) is amended by inserting "or tribe" after "State" the first and second places it appears, and by inserting "or tribal" after "State" the third place it appears.

(m) Section 466(a)(7)(A) of the Social Security Act (42 U.S.C. 666(a)(7)(A)) is amended by striking ".1667a(i)(I)" and inserting ".1667a(i)(II)".

(n) In section 466(b)(6)(A) of the Social Security Act (42 U.S.C. 666(b)(6)(A)) is amended by striking "state" and inserting "State".

(o) Section 471(a)(8) of the Social Security Act (42 U.S.C. 671(a)(8)) is amended by striking "state" and inserting "State".


(q) Except as provided in subsection (l), the amendments made by this section shall take effect as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2236).

The bill was ordered to be engrossed and read a third time, was read the three time, and passed, and a motion to reconsider was laid on the table.

HEALTHCARE RESEARCH AND QUALITY ACT OF 1999

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 580) to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia (Mr. BLILEY), the gentleman from Florida (Mr. BILIRAKIS), his staff, the Senate, particularly the efforts of Senators JEFF FORD, THOMAS KENNEDY, and their staff, especially the efforts of Ellie Dehoney in my office.

Mr. Speaker, I recommend that this bill be adopted by unanimous consent in the House of Representatives.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to support consideration of S. 580, the Healthcare Research and Quality Act of 1999 by the House today. I introduced H.R. 2506 in the House on September 14, 1999. Following approval by my Subcommittee and the full Conference Committee, the House voted overwhelmingly to pass H.R. 2506 on September 28, 1999.

Late last week, the Senate passed S. 580 by unanimous consent. The bill before us today represents a bipartisan agreement between the House and Senate authorizing committees on a compromise version of the bills previously approved by each body. This widely supported, bipartisan measure is critical to improving the quality of health care in this country.

The Healthcare Research and Quality Act of 1999 will significantly enhance health care research and science-based evidence to improve the quality of patient care.

S. 580 reauthorizes the Agency for Healthcare Policy and Research as the agency for Health Research and Quality, AHRQ. It also refocuses the Agency's mission, which is to conduct and support research on the quality, outcomes, cost, and utilization of healthcare services, and access to those services.

The agency will promote quality by sharing information, build public-private partnerships to advance and share quality measures, report annually to Congress on the state of quality in the Nation, support the evaluation of state-of-the-art information systems for healthcare quality, support primary care and access in underserved areas, facilitate innovation in patient care with streamlined assessment of new technologies, coordinate quality improvement efforts to avoid duplication, and facilitate utilization of preventative health services.

This bill authorizes appropriations for pediatric graduate medical education in children's hospitals. These represent important reforms.

Mr. Speaker, I urge my colleagues to support this request.

Mr. BROWN of Ohio. Mr. Speaker, further reserving my right to object, with that explanation, I want to associate myself with the remarks of the gentleman from Virginia (Mr. BLILEY) to let my colleagues know that I support the adoption of S. 580.

I am particularly pleased because one of the key provisions in this bill is the Graduate Medical Education Funding for children's hospitals. They will receive actual dollars in fiscal year 2000 if this authorization is enacted. We have worked in a bipartisan manner in this bill, and I am glad to see its inclusion.

HCPR is needed to study key health care issues as we go into the next century. These issues include access, cost, quality, and equity in virtually all aspects of the health care system.

I thank the gentleman from Virginia for yielding to me.

Mr. Speaker, I urge my colleagues to support consideration of S. 580, the Healthcare Research and Quality Act of 1999 by the House today. I introduced H.R. 2506 in the House on September 14, 1999. Following approval by my Subcommittee and the full Conference Committee, the House voted overwhelmingly to pass H.R. 2506 on September 28, 1999.

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The Healthcare Research and Quality Act of 1999 will significantly enhance health care research and science-based evidence to improve the quality of patient care.

S. 580 reauthorizes the Agency for Health Care Policy and Research (AHCPR) for fiscal years 2000–2005, renames it as the "Agency for Healthcare Research and Quality," and refocuses the agency's mission to become a focal point, and partner to the private sector, in supporting of health care research and quality improvement activities.

Equally important, the bill authorizes critical funding for our nation's children's hospitals. I was pleased to support the adoption of these provisions when this bill was previously considered by the House. Passage of this legislation today is an important step in ensuring that America's children's hospitals receive the resources that they need.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia (Mr. BLILEY)?

There was no objection.

The Clerk read the Senate bill, as follows:
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. SHORT TITLE.  
This Act may be cited as the "Healthcare Research and Quality Act of 1999."  

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.  
(a) In General—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended to read as follows:  

"TITLE IX—AGENCY FOR HEALTHCARE RESEARCH AND QUALITY  
PART A—ESTABLISHMENT AND GENERAL DUTIES  
SEC. 901. MISSION AND DUTIES.  
"(a) In General.—There is established within the Public Health Service an agency to be known as the Agency for Healthcare Research and Quality, which shall be headed by a director appointed by the Secretary. The Secretary shall carry out this title acting through the Director.  
"(b) Mission.—The purpose of the Agency is to enhance the quality, appropriateness, and effectiveness of health services, and access to such services, through the establishment and support of scientific research and through the promotion of improvements in clinical and health system practices, including the identification of diseases and other health conditions. The Agency shall promote health care quality improvement by conducting and supporting—  
"(I) research that develops and presents scientific evidence regarding all aspects of health care, including—  
"(A) the development and assessment of methods for enhancing patient participation in their own care and for facilitating shared patient-physician decision-making;  
"(B) the outcomes, effectiveness, and cost-effectiveness of health care practices, including preventive measures and long-term care;  
"(C) existing and innovative technologies;  
"(D) the costs and utilization of, and access to health care;  
"(E) the ways in which health care services are organized, delivered, and financed and the interaction and impact of these factors on the quality of care;  
"(F) methods for measuring quality and strategies for improving quality; and  
"(G) ways in which patients, consumers, purchasers, providers, and others evaluate and disseminate information about best practices and health benefits, the determinants and impact of their use of this information;  
"(II) the synergy and dissemination of available scientific evidence for use by patients, consumers, practitioners, providers, purchasers, policy makers, and educators; and  
"(III) initiatives to advance private and public efforts to improve health care quality.  
"(c) REQUIREMENTS WITH RESPECT TO RURAL AND INNER-CITY AREAS AND PRIORITY POPULATIONS.—  
"(I) Research, evaluations and demonstration projects.—In carrying out this title, the Director shall conduct and support research and evaluations, and support demonstration projects, with respect to—  
"(A) the delivery of health care in inner-city areas and rural areas (including frontier areas); and  
"(B) health care for priority populations, which shall include—  
"(i) low-income groups;  
"(ii) minority groups;  
"(iii) women;  
"(iv) children;  
"(v) the elderly; and  
"(vi) individuals with special health care needs, including individuals with disabilities and individuals who need chronic care or end-of-life health care.  
"(2) PROCESS TO ENSURE APPROPRIATE RESEARCH.—The Director shall establish a process to ensure that the requirements of paragraph (1) are reflected in the overall portfolio of research conducted and supported by the Agency.  
"(3) OFFICE OF PRIORITY POPULATIONS.—The Director shall establish an Office of Priority Populations to assist in carrying out the requirements of paragraph (1).  
"SEC. 902. GENERAL AUTHORITY.  
"(a) In General.—In carrying out section 902(b), the Director shall conduct and support research, evaluations, and training, to support demonstration projects, and multi-disciplinary centers, provide technical assistance, and disseminate information on health care and on systems for the delivery of such care, including activities with respect to—  
"(I) the quality, effectiveness, efficiency, appropriateness and value of health care services;  
"(II) quality measurement and improvement;  
"(III) the outcomes, cost, cost-effectiveness, and use of health care services and access to such services;  
"(IV) clinical practice, including primary care and practice-research networks;  
"(V) health care technologies, facilities, and equipment;  
"(VI) health care costs, productivity, organization, and management;  
"(VII) research networks, database development, and epidemiology;  
"(VIII) medical liability;  
"(IX) HEALTH SERVICES TRAINING GRANTS.—  
"(I) In General.—The Director may provide training grants to eligible organizations, to include pre- and post-doctoral fellowships and training programs, young investigatory awards, and other programs and activities as appropriate.  
"In carrying out this subsection, the Director shall make use of funds made available under section 487(d)(3) as well as other appropriated funds.  
"(2) REQUIREMENTS.—In developing priorities for the allocation of training funds under this section, the Director shall—  
"(A) the identification and assessment of years with training grants; and  
"(B) the number of trained researchers who are addressing health care issues for the priority populations indicated in section 487(d)(3)(B) and in addition, shall take into consideration the number of trained researchers who are addressing health care issues for the priority populations.  
"(c) MULTIDISCIPLINARY CENTERS.—The Director shall establish and support training and education programs for multidisciplinary centers, for multidisciplinary training centers, to improve clinical care.  
"(d) RELATION TO CERTAIN AUTHORITIES REGARDING SOCIAL SECURITY.—Activities authorized in this section shall be appropriate to the social security Act of 1935 and the Social Security Act Amendments of 1965.  
"(e) DISCLAIMER.—The Agency shall not mandate national standards of clinical practice or quality health care standards. Recommendations resulting from projects funded and published by the Agency shall include a corresponding disclaimer.  
"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that the Agency's role is to mandate a national standard or specific approach to quality measurement, and research and quality improvement activities, the Agency shall consider a wide range of choices, providers, health care delivery systems, and individual preferences.  
"(g) ANNUAL REPORT.—Beginning with fiscal year 2003, the Director shall annually submit to the Congress a report regarding programs or disparities in disparities related to the Agency's role in delivering health care, as it relates to racial factors and socioeconomic factors in priority populations.  
PART B—HEALTH CARE IMPROVEMENT  
SEC. 911. HEALTH CARE OUTCOME IMPROVEMENT RESEARCH.  
"(a) EVIDENCE RATING SYSTEMS.—In collaboration with experts from the public and private sector, the Agency shall identify and disseminate methods or systems to assess health care research results, particularly methods or systems to rate the strength of scientific evidence underlying health care practice, recommendations in the research literature, and technology assessments.  
"(b) HEALTH CARE IMPROVEMENT RESEARCH CENTERS AND PROVIDER-BASED RESEARCH NETWORKS.—  
"(1) In General.—In order to address the full continuum of care and outcomes research, to link research to practice improvement, and to speed the dissemination of research findings to community practice settings, the Agency shall employ research strategies and mechanisms that will link research directly with clinical practice in geographically diverse locations throughout the United States, including—  
"(A) health care improvement research centers that combine public and private sector experts in a multidisciplinary expertise in outcomes or quality improvement research with linkages to relevant sites of care;  
"(B) provider-based research networks, including plan, facility, or delivery system sites of care (especially primary care), that can evaluate outcomes and evaluate and promote quality improvement; and  
"(C) other innovative mechanisms or strategies to link research with clinical practice.  
"(2) REQUIREMENTS.—The Director is authorized to establish the requirements for entities applying for grants under this subsection.  
SEC. 912. PRIVATE-PUBLIC PARTNERSHIPS TO IMPROVE ORGANIZATION AND DELIVERY.  
"(a) SUPPORT FOR EFFORTS TO DEVELOP INFORMATION ON QUALITY.—  
"(1) SCIENTIFIC AND TECHNICAL SUPPORT.—In its role as the principal agency for health care research and quality, the Agency may provide scientific and technical support for planning and public use of evidence toward improving health care quality, including the activities of accreditation organizations.  
"(2) ROLE OF THE AGENCY.—With respect to part (1), the role of the Agency shall include—  
"(A) the identification and assessment of methods for the evaluation of the health of—
SEC. 913. INFORMATION ON QUALITY AND COST

(a) IN GENERAL.—The Secretary, acting through the Director and in consultation with the Commissioner of Food and Drugs, shall establish a program for the purpose of making one or more grants for the establishment and operation of one or more centers to carry out the activities specified in paragraph (b).

(b) REQUIRED ACTIVITIES.—The activities referred to in this paragraph are the following:

(1) The conduct of state-of-the-art research for the following purposes:

(A) To increase awareness of—

(i) the risks of new uses and risks of combinations of drugs and biological products.

(B) To provide objective clinical information to the following individuals and entities:

(i) Health care practitioners and other providers of health care goods or services.

(ii) Pharmacist, pharmacy benefit managers and purchasers.

(iii) Health maintenance organizations and other managed health care organizations.

(iv) Health care insurers and governmental agencies.

(v) Patients and consumers.

(2) To improve the quality of health care while reducing the cost of health care through—

(A) an increase in the appropriate use of drugs, biological products, or devices; and

(B) the reduction of adverse effects of drugs, biological products, and devices and the consequences of such effects, such as unnecessary hospitalizations.

(3) To develop research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices.

(C) Such other activities as the Secretary determines to be appropriate, except that a grant may not be expended to assist the Secretary in the review of new drugs, biological products, or devices.

(D) Reducing Errors in Medicine.—The Director shall conduct and support research and development to—

(1) identify the causes of preventable health care errors and patient injury in health care delivery;

(2) develop, demonstrate, and evaluate strategies for reducing errors and improving patient safety; and

(3) disseminate such effective strategies throughout the health care industry.

SEC. 913A. INFORMATION ON QUALITY AND COST OF CARE

(a) IN GENERAL.—The Director shall—

(1) conduct a survey to collect data on a nationally representative sample of the population on the cost, use, and for fiscal year 2001 and subsequent fiscal years, quality of health care, including the types of health care services Americans use, their access to health care services, frequency of use, how much is paid for services, the source of those payments, the types and costs of private health insurance, access, satisfaction, and quality of care for the general population including also for populations identified in section 901(c); and

(2) develop databases and tools that provide information to States on the quality, access, and quality of care services provided to their residents.

(b) QUALITY AND OUTCOMES INFORMATION.

(1) IN GENERAL.—Beginning in fiscal year 2001, the Director shall ensure that the survey conducted under subsection (a)(1) will—

(A) identify determinants of health outcomes and functional status, including the health care needs of populations identified in section 901(c), provide data to study the relationships between health care quality, outcomes, access, use, and cost, and measure changes over time, and monitor the overall national impact of Federal and State policy changes on health care;

(B) provide information on the quality of care and patient outcomes for frequently occurring conditions for a nationally representative sample of the population including rural residents; and

(C) provide reliable national estimates for children and special health care needs through the use of supplements or periodic expansions of the survey.

(2) A NNUAL REPORT .—Beginning in fiscal year 2003, the Secretary, acting through the Director, shall submit to Congress an annual report on national trends in the quality of health care provided to the American people.

SEC. 914. INFORMATION SYSTEMS FOR HEALTH CARE IMPROVEMENT

(a) IN GENERAL.—In order to foster a range of innovative approaches to the management and communication of health information, the conduct and support of research, evaluations, and initiatives to advance—

(1) the use of information systems for the study of health care quality and outcomes, including the generation of both individual provider and plan-level comparative performance data;

(2) training for health care practitioners and researchers in the use of information systems;

(3) the creation of effective linkages between various sources of health information, including the development of information networks;

(4) the delivery and coordination of evidence-based health care services, including the use of real-time health care decision-support programs;

(5) the utility and comparability of health information data and medical vocabularies by addressing issues related to the content, structure, definitions and coding of such information data and consultation with appropriate Federal, State and private entities;

(6) the use of computer-based health records in all settings for the development of personal health records, including the development of personal health records for individuals and public and private sector purchasers.

(b) DEMONSTRATION.—The Agency shall support demonstrations into the use of new information tools aimed at improving shared decision-making between patients and their caregivers.

(c) FACILITATING PUBLIC ACCESS TO INFORMATION.—The Director shall work with appropriate public and private sector entities to develop public public access to information regarding the quality of and consumer satisfaction with health care.

SEC. 915. RESEARCH SUPPORTING PRIMARY CARE AND ACCESS IN UNDER-SERVED AREAS.

(a) PREVENTIVE SERVICES TASK FORCE .—

(1) ESTABLISHMENT AND PURPOSE.—The Director may periodically convene a Preventive Services Task Force to be composed of individuals with appropriate expertise. Such a task force shall review the scientific evidence related to the effectiveness, appropriateness, and cost-effectiveness of clinical preventive services for the purpose of developing recommendations for the health care community, and updating previous clinical preventive recommendations.

(2) ROLE OF AGENCY.—The Agency shall provide ongoing administrative, research, and technical support for the operations of the Preventive Services Task Force, including coordinating and supporting the dissemination of the recommendations of the Task Force.

(b) PRIMARY CARE RESEARCH.—

(1) IN GENERAL.—There is established within the Agency a Center for Primary Care Research (referred to in this subsection as the `Center') that shall serve as the principal source of funding for primary care practice research in the Department of Health and Human Services. For purposes of this paragraph, primary care research focuses on the first contact when illness or health concerns arise, the diagnosis, treatment or referral to specialty care, preventive care, and the relationship between the clinician and the patient in the context of the family and community.

(2) RESEARCH.—In carrying out this section, the Center shall conduct and support research concerning—

(A) the nature and characteristics of primary care practice;

(B) the management of commonly occurring clinical problems;

(C) the management of undifferentiated clinical problems; and

(D) the continuity and coordination of health services.

SEC. 916. HEALTH CARE PRACTICE AND TECHNOLOGY INNOVATION

(a) IN GENERAL.—The Director shall promote innovation in evidence-based health care practices and technologies by—

(1) conducting and supporting research on the development, diffusion, and use of health care technology;

(2) developing, evaluating, and disseminating methodologies for assessments of health care practices and technologies;

(3) conducting intramural and supporting extramural assessments of existing and new health care practices and technologies;

(4) promoting education and training and providing technical assistance in the use of health care practice and technology assessment methodologies at individual and institutional levels;

(5) working with the National Library of Medicine and the public and private sector to develop an electronic clearinghouse of currently available assessments and those in progress.

(b) SPECIFICATION OF PROCESS.—
I. In general.—Not later than December 31, 2000, the Director shall develop and publish a description of the methods used by the Agency and its contractors for health care quality assessment.

II. Consultations.—In carrying out this subsection, the Director shall cooperate and consult with the Assistant Secretary for Health and Human Services, the Director of the Health Care Financing Administration, the Director of the National Institutes of Health, the Commissioner of Food and Drugs, and the heads of any other interested Federal department or agency, and shall seek input, where appropriate, from professional societies and other private sector public health organizations.

III. Methodology.—The Director shall, in developing the methods used under paragraph (1), consider—

(A) safety, efficacy, and effectiveness;
(B) legal, social, and ethical implications;
(C) costs, benefits, and cost-effectiveness;
(D) comparisons to alternate health care practices and technologies; and
(E) requirements of Food and Drug Administration approval to avoid duplication.

IV. Specific Assessments.—The Director shall conduct or support specific assessments of health care technologies and practices.

V. Assessments.—The Director is authorized to conduct or support assessments, on a reimbursable basis, for the Health Care Financing Administration, the Department of Veterans Affairs, the Office of Personnel Management, and other public or private entities.

VI. Grants and Contracts.—In addition to conducting assessments, the Director may make grants to, or enter into cooperative agreements or contracts with, entities described in paragraph (4) for the purpose of conducting assessments of experimental, emerging, existing, or potentially outmoded health care technologies, and for related activities.

VII. Eligible Entities.—An entity described in this paragraph is an entity that is determined to be appropriate by the Director, including academic medical centers, research institutions and organizations, professional organizations, third party payers, governmental agencies, minority institutions of higher education (such as Historically Black Colleges and Universities, and Hispanic institutions), and consortia of appropriate research entities established for the purpose of conducting technology assessments.

VIII. Medical Examination of Certain Victims.—

(I) In general.—The Director shall develop and disseminate a report on evidence-based clinical practices for—

(A) the examination and treatment by health professionals of individuals who are victims of sexual assault (including child molestation) or attempted sexual assault; and
(B) the training of health professionals, in consultation with the Health Resources and Services Administration, on performing medical evidentiary examinations of individuals who are victims of child abuse or neglect, sexual assault, elder abuse, or domestic violence.

(II) Certain considerations.—In identifying the issues to be addressed by the report, the Director shall, to the extent practicable, take into consideration the expertise and experience of Federal, State, and local health care providers, the advice of professional societies and organizations, sexual assault prevention organizations, and social services organizations.

IX. SEC. 917. COORDINATION OF FEDERAL GOVERNMENT QUALITY IMPROVEMENT EFFORTS.

(I) In general.—To avoid duplication and ensure that Federal resources are used efficiently and effectively, the Secretary, acting through the Director, shall coordinate all Federal research efforts related to health services research, quality measurement and quality improvement activities undertaken and supported by the Federal Government.

(II) Specific activities.—The Director, in collaboration with the appropriate Federal officials representing all concerned executive agencies and departments, shall develop and manage a process to—

(A) improve interagency coordination, priority setting, and the use and sharing of research findings and data pertaining to Federal quality improvement programs, technology assessment, and health services research;
(B) strengthen the research information infrastructure, including databases, pertaining to Federal health services research and health care quality improvement initiatives;
(C) set specific goals for participating agencies and departments to further health services research and health care quality improvement; and
(D) strengthen the management of Federal health care quality improvement programs.

(X) Study by the Institute of Medicine.

(I) In general.—To provide Congress, the Department of Health and Human Services, and other relevant Federal entities with an independent, external review of their quality oversight, quality improvement and quality research programs, the Secretary shall enter into a contract with the Institute of Medicine—

(A) to describe and evaluate current quality improvement, quality research, and quality monitoring processes through

(i) an overview of pertinent health services research activities and quality improvement efforts conducted by all Federal programs, with particular focus on those under titles XVIII, XIX, and XXI of the Social Security Act; and
(ii) a summary of the partnerships that the Department of Health and Human Services has pursued with private accreditation, quality measurement and improvement organizations; and
(B) to identify options and make recommendations to improve the efficiency and effectiveness of quality improvement programs through—

(i) the improved coordination of activities across the medicare, medicaid and child health insurance programs under titles XVIII, XIX and XXI of the Social Security Act and health services research programs; and
(ii) the strengthening of patient choice and participation by incorporating state-of-the-art quality monitoring tools and making information on quality available and
(iii) the enhancement of the most effective programs, consolidation as appropriate, and elimination of duplicative activities within various Federal agencies.

(II) Requirements.

(A) In general.—The Secretary shall enter into a contract with the Institute of Medicine, and appropriate public and private entities (including medical societies, victim services organizations, and social services organizations).

(B) Costs, benefits, and cost-effectiveness.

(C) Priorities.

(D) Strengthen the management of Federal programs.

(E) Strengthen the research information infrastructure, including databases.

(F) Recommendations to improve the efficiency and effectiveness of quality improvement programs through

(i) the improved coordination of activities across the medicare, medicaid and child health insurance programs under titles XVIII, XIX and XXI of the Social Security Act; and
(ii) not later than 12 months after the date of enactment of this title, of a final report containing recommendations that—

(B) Reports.—The Secretary shall submit the reports described in subparagraph (A) to the Committee on Finance and the Committee on Ways and Means and the Committee on Commerce of the House of Representatives.

X. SEC. 921. ADVISORY COUNCIL FOR HEALTHCARE RESEARCH AND QUALITY.

(I) Establishment.—There is established an Advisory Council for Healthcare Research and Quality.

(II) Duties.

(I) In general.—The Advisory Council shall advise the Secretary and the Director with respect to activities proposed or undertaken to carry out the mission of the Agency under section 901(b).

(II) Certain recommendations.—Activities of the Advisory Council under paragraph (3) shall include making recommendations to the Director regarding—

(A) priorities related to health care research, especially studies related to quality, outcomes, cost and the utilization of, and access to, health care services;
(B) the field of health care research and related disciplines, especially issues related to research needs, and information pertaining to health care quality; and
(C) the appropriate role of the Agency in each of these areas in light of private sector activity and identification of opportunities for public-private sector partnerships.

(III) Membership.

(I) In general.—The Advisory Council shall, in accordance with this subsection, be composed of appointed members and ex officio members.

(II) Appointed members.—The Secretary shall appoint to the Advisory Council 21 appropriately qualified individuals. At least 17 members of the Advisory Council shall be representatives of the public who are not officials of the Federal Government.

(III) Ex officio members.

(A) The Secretary shall appoint to the Advisory Council the following ex officio members—

(i) the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives, and the Minority Leader of the House of Representatives;

(ii) the Majority Whip of the Senate, the Minority Whip of the Senate, the Majority Whip of the House of Representatives, and the Minority Whip of the House of Representatives;

(iii) the chairman and ranking minority member of the Committee on Ways and Means of the House of Representatives; and the chairman and ranking minority member of the Committee on Finance and the Committee on Education and the Workforce of the House of Representatives.

(B) The Secretary shall appoint to the Advisory Council not less than 10 individuals designated under subparagraph (A) from the following categories—

(i) an overview of pertinent health services research activities and quality improvement efforts conducted by all Federal programs, with particular focus on those under titles XVIII, XIX, and XXI of the Social Security Act; and
(ii) a summary of the partnerships that the Department of Health and Human Services has pursued with private accreditation, quality measurement and improvement organizations; and
(iii) the enhancement of the most effective programs, consolidation as appropriate, and elimination of duplicative activities within various Federal agencies.

(IV) Requirements.

(A) In general.—The Secretary shall enter into a contract with the Institute of Medicine, and appropriate public and private entities (including medical societies, victim services organizations, and social services organizations).

(B) Costs, benefits, and cost-effectiveness.

(C) Priorities.

(D) Strengthen the management of Federal programs.

(E) Strengthen the research information infrastructure, including databases.

(F) Recommendations to improve the efficiency and effectiveness of quality improvement programs through—

(i) the improved coordination of activities across the medicare, medicaid and child health insurance programs under titles XVIII, XIX and XXI of the Social Security Act; and
(ii) not later than 12 months after the date of enactment of this title, of a final report containing recommendations that—

1. shall include making recommendations to the Director regarding—

(A) priorities related to health care research, especially studies related to quality, outcomes, cost and the utilization of, and access to, health care services;
(B) the field of health care research and related disciplines, especially issues related to research needs, and information pertaining to health care quality; and
(C) the appropriate role of the Agency in each of these areas in light of private sector activity and identification of opportunities for public-private sector partnerships.

2. shall be an independent, external review of the quality oversight, quality improvement and quality research programs of the Department of Health and Human Services.
``(G) three shall be individuals representing the interests of patients and consumers of health care.

``(3) EX OFFICIO MEMBERS.—The Secretary shall appoint as ex officio members of the Advisory Council—

``(A) the Assistant Secretary for Health, the Director of the National Institutes of Health, the Administrator of the Centers for Disease Control and Prevention, the Administrator of the Health Care Financing Administration, the Commissioner of the Food and Drug Administration, the Director of the Office of Personnel Management, the Assistant Secretary of Defense (Health Affairs), and the Under Secretary of Health of the Department of Veterans Affairs; and

``(B) such other Federal officials as the Secretary may consider appropriate.

``(d) TERM.—

``(1) IN GENERAL.—Members of the Advisory Council appointed under subsection (c)(2) shall serve for a term of 3 years.

``(2) STAGGERED TERMS.—To ensure the staggered rotation of one-third of the members of the Advisory Council each year, the Secretary is authorized to appoint the initial members of the Advisory Council for terms of 1, 1, or 3 years.

``(3) SERVICE BEYOND TERM.—A member of the Advisory Council appointed under subsection (c)(2) may continue to serve after the expiration of the term of the member until a successor is appointed.

``(e) VACANCIES.—If a member of the Advisory Council appointed under subsection (c)(2) does not serve the full term applicable under subsection (d), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

``(f) CHAIR.—The Director shall, from among the members of the Advisory Council appointed under subsection (c)(2), designate an individual to serve as the chair of the Advisory Council.

``(g) MEETINGS.—The Advisory Council shall meet not less than once during each discrete 4-month period and shall otherwise meet at the call of the Director or the chair.

``(h) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—

``(1) APPOINTED MEMBERS.—Members of the Advisory Council appointed under subsection (c)(2) shall receive compensation for each day (including travel time) engaged in carrying out the duties of the Advisory Council unless declined by the member. Such compensation may not be in an amount in excess of the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the performance of the duties of the Advisory Council.

``(2) EX OFFICIO MEMBERS.—Officials designated under subsection (c)(3) as ex officio members of the Advisory Council may not receive compensation for services carried out as officers of the United States.

``(i) STAFF.—The Director shall provide to the Advisory Council such staff, information, and other assistance as the Director deems necessary to carry out the duties of the Council.

``(j) DURATION.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, the Advisory Council shall continue to exist until otherwise provided by law.

``SEC. 922. PEER REVIEW WITH RESPECT TO GRANTS AND CONTRACTS.

``(a) REQUIREMENT OF REVIEW.—

``(1) IN GENERAL.—Appropriate technical and scientific peer review shall be conducted with respect to applications for a grant, cooperative agreement, or contract under this title.

``(2) REPORTS TO DIRECTOR.—Each peer review group to which an application is submitted pursuant to paragraph (1) shall report its findings and recommendations respecting the application to the Director in such form and in such manner as the Director shall require.

``(b) APPROVAL AS PRECONDITION OF AWARDS.—The Director may not approve an application described in subsection (a)(1) unless the application is recommended for approval by a peer review group established under paragraph (1) or, in the case of an application submitted without regard to the provisions of title V, United States Code, that govern appointments in the competitive service, and without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title V, United States Code, that govern appointments in the competitive service, and without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title V, United States Code, the Director may not approve an application otherwise received for duties carried out as such officers and employees.

``(3) DURATION.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, peer review groups established under this section may continue to exist in existence until otherwise provided by law.

``(4) QUALIFICATIONS.—Members of any peer review group shall, at a minimum, meet the following requirements:

``(A) Such members shall agree in writing to treat information received, pursuant to this section, as confidential.

``(B) Such members shall agree in writing to receive and participate in the peer review of specific applications that present a potential personal conflict of interest or appearance of such conflict, including, but not limited to, employment in a directly affected organization, stock ownership, or any financial or other arrangement that may introduce bias in the process of peer review.

``(C) AUTHORITY FOR PROCEDURAL ADJUSTMENTS IN CERTAIN CASES.—In the case of applications for financial assistance whose direct costs will not exceed $100,000, the Director may take appropriate action to ensure that the procedures otherwise established by the Director for the conduct of peer review under this section may be modified for the purpose of encouraging the entry of individuals into the field of research, for the purpose of encouraging clinical practice-oriented research, and for such other purposes as the Director may determine to be appropriate.

``(e) RESPONSIBILITY.—The Director shall issue regulations for the conduct of peer review under this section.

``SEC. 923. CERTAIN PROVISIONS WITH RESPECT TO UTILIZATION, COLLECTION, AND DISSEMINATION OF DATA.

``(a) STANDARDS WITH RESPECT TO UTILIZATION, COLLECTION, AND DISSEMINATION OF DATA.—

``(1) IN GENERAL.—To ensure the utility, accuracy, and sufficiency of data collected by or for the Agency for the purpose described in section 902(b), the Director shall establish standards for developing and collecting such data, taking into consideration national, federal, health data collection standards; and

``(B) the differences between types of health care plans, delivery systems, health care providers, and provider arrangements.

``(2) RELATIONSHIP WITH OTHER DEPARTMENT PROGRAMS.—In any case where standards under paragraph (1) may affect the administration of other programs carried out by the Department of Health and Human Services, including the programs under title XVIII, XIX or XXI of the Social Security Act, or the health maintenance organization programs subject to a standard developed under part C of title XI of the Social Security Act, they shall be in the form of recommendations to the Secretary for such programs.

``(b) STATISTICS AND ANALYSES.—The Director shall—

``(1) take appropriate action to ensure that statistics and analyses developed under this title are of high quality, timely, and duly comprehensive, and that the statistics are specific, standardized, and adequately analyzed and indexed; and

``(2) publish, make available, and disseminate such statistics and analyses on as wide a basis as is practicable.

``(c) AUTHORITY REGARDING CERTAIN REQUESTS.—Upon request of a public or private entity, the Director may conduct or support research or analyses otherwise authorized by this title pursuant to arrangements under which such entity will pay the cost of the services provided. Amounts received by the Director under such arrangements shall be available to the Director for obligation until expended.

``SEC. 924. DISSEMINATION OF INFORMATION.

``(a) IN GENERAL.—The Director shall—

``(1) without regard to section 50 of title 44, United States Code, promptly publish, make available, and otherwise disseminate, in a form understandable and on as broad a basis as practicable or as is appropriate, information, if an establishment, entity, or other recipient of amounts received by the Director for obligation under this title, may affect health information that is subject to the provisions of this title; and

``(2) promptly make it available to the public data developed in such research, demonstration projects, and evaluations conducted or supported under this title.

``(b) AUTHORITY TO DISSEMINATE INFORMATION.—The Director may disseminate information disseminated by the Agency is science-based and objective and undertakes consultation as necessary to assess the appropriateness and usefulness of the presentation of information that is targeted to specific audiences;

``(3) promptly make it available to the public data developed in such research, demonstration projects, and evaluations conducted or supported under this title.

``(4) provide, in collaboration with the National Library of Medicine where appropriate, indexing, abstracting, translating, publishing, and other services leading to a more effective and timely dissemination of information on research, demonstration projects, and evaluations with respect to health care to public agencies, individuals engaged in the improvement of health care delivery and the general public, and undertake programs to develop new or improved methods for making such information available; and

``(5) as appropriate, provide technical assistance to State and local government and health agencies and conduct liaison activities to such agencies to foster dissemination.

``(b) PROHIBITION AGAINST RESTRICTIONS.—Except as provided in subsection (c), the Director may not restrict the publication or dissemination of data from, or the results of, projects conducted or supported under this title.

``(c) LIMITATION ON USE OF CERTAIN INFORMATION.—No information, if an establishment or person supplying the information or
be necessary to carry out this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation shall be in accordance with title 5, United States Code.

(b) Facilities.—The Secretary, in carrying out this title—

(1) may, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or portions of buildings, or other physical resources of the Department of Health and Human Services, permit appropriate (as determined by the Secretary) entities and individuals to utilize the physical resources of such Department, and provide technical assistance and advice.

(2) Other agencies.—The Director, in carrying out this title, may make grants to public and nonprofit entities and individuals, and may enter into cooperative agreements or contracts with public and private entities and individuals.

(c) Provisions of certain personal and resources. —

(1) Department of health and human services.—The Director, in carrying out this title, may make grants to public and nonprofit entities and individuals, and provide technical assistance and advice.

(2) Certain agencies.—The Secretary, in carrying out this title, may make grants to public and nonprofit entities and individuals, and provide technical assistance and advice.

(d) Provision of supplies and services. —

(1) In general.—The Secretary, in carrying out this title, may make grants to public and nonprofit entities and individuals, and provide technical assistance and advice.

(e) Provision of financial assistance.—The Director, in carrying out this title, may make grants to public and nonprofit entities and individuals, and may enter into cooperative agreements or contracts with public and private entities and individuals.

(f) Other provisions. —

(1) In general.—The Secretary, in carrying out this title, may make grants to public and nonprofit entities and individuals, and provide technical assistance and advice.

(2) For the purpose of carrying out this title, there are authorized to be appropriated $250,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005.

(3) Voluntary and uncompensated services.—The Director, in carrying out this title, may accept voluntary and uncompensated services.

SEC. 927. FUNDING.

(a) Intent.—To ensure that the United States investment in biomedical research is rapidly translated into improvements in the quality of patient care, there must be a corresponding investment in research on the most effective clinical and organizational strategies for use of these findings in daily practice. The authorization levels in subsections (b) and (c) provide for a proportional increase in research support for the United States investment in biomedical research increases.

(b) Authorization of Appropriations.—For the purpose of carrying out this title, there are authorized to be appropriated $250,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005.

(c) Evaluations.—In addition to amounts available pursuant to subsection (b) for carrying out this title, there shall be made available for such purpose, from the amounts made available pursuant to section 241 (relating to evaluations), an equal amount to the maximum authorized in such section 241 to be made available for a fiscal year.

SEC. 928. DEFINITIONS.

In this title:

(1) Advisory council.—The term ‘Advisory Council’ means the National Advisory Council on Healthcare Research and Quality established under section 921.

(2) Agency.—The term ‘Agency’ means the Agency for Healthcare Research and Quality.

(3) Director.—The term ‘Director’ means the Director of the Agency for Healthcare Research and Quality.

(b) Rules of construction.—

(1) In general.—Section 902(a) of the Public Health Service Act (as added by subsection (a) of this section) applies as a redesignation of the agency that carried out title IX of such Act on the day before the date of the enactment of this Act, and not as the termination of such agency and the establishment of a different agency. An amendment made by subsection (a) of this section does not affect appointments of the personnel of such agency who were employed at the time on the day before such date, including the appointments of members of advisory councils or study sections of the agencies who were serving on the day before such date of enactment.

(2) References.—Any reference in law to the Agency for Health Care Policy and Research is deemed to be a reference to the Agency for Healthcare Research and Quality, and any reference in law to the Administrator for Health Care Policy and Research is deemed to be a reference to the Director of the Agency for Healthcare Research and Quality.

SEC. 3. GRANTS REGARDING UTILIZATION OF PREVENTIVE HEALTH SERVICES.

(a) In general.—The Secretary, acting through the appropriate agencies of the Public Health Service, shall make grants to public and nonprofit entities for the establishment and operation of regional centers whose purpose is to develop, evaluate,
and disseminate effective strategies, which utilize quality management measures, to assist public and private health care programs and providers in the appropriate utilization of preventive health care services by specific populations.

(b) Research and Training.—The activities carried out by a center under subsection (a) must include the components of research and training with respect to the purpose described in such subsection, including the development of curricula for training individuals in implementing the strategies developed under such subsection.

(c) Priority Regarding Infants and Children.—In carrying out the purpose described in subsection (a), the Secretary shall give priority to various populations of infants, young children, and their mothers.

(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2004.

SEC. 4. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following subpart:

"Subpart IX—Support of Graduate Medical Education Programs in Children's Hospitals

"Sec. 340E. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS

"(a) Payments.—The Secretary shall make two payments under this section to each children's hospital for each of fiscal years 2000 and 2001, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs.

"(b) Amount of Payments.—

"(1) In general.—Subject to paragraph (2), the amounts payable under this section to a children's hospital for an approved graduate medical residency training program for a fiscal year are each of the following amounts:

"(A) Direct expense amount.—The amount determined under subsection (d) for direct expenses associated with operating approved graduate medical residency training programs.

"(B) Indirect expense amount.—The amount determined under subsection (d) for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to teaching residents in such programs.

"(2) Capped amount.—

"(A) In general.—The total of the payments made to children's hospitals under paragraph (1)(A) or paragraph (1)(B) in a fiscal year shall not exceed the funds appropriated under paragraph (1) for such hospital for such fiscal year.

"(B) Pro Rata Reductions of Payments for Direct Expenses.—If the Secretary determines that the amount of funds appropriated under subsection (f)(1) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1)(A), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

"(C) Amount of Payment for Direct Graduate Medical Education.—

"(1) In general.—The amount determined under this subsection for payments to a children's hospital for direct graduate expenses related to approved graduate medical residency training programs for a fiscal year is equal to the product of—

"(A) the updated per resident amount for direct graduate medical education, as determined under paragraph (2); and

"(B) the average number of full-time equivalent residents in the hospital's graduate medical residency training program for a fiscal year.

"(2) Updated per resident amount for direct graduate medical education.—The updated per resident amount for direct graduate medical education for a fiscal year is an amount determined as follows:

"(A) Determination of hospital single per resident amount.—The Secretary shall compute for each hospital operating an approved graduate medical education program (regardless of whether or not it is a children's hospital) a single per resident amount equal to the average (weighted by number of full-time equivalent residents) of the primary care per resident amount and the non-primary care per resident amount computed under subsection (g)(4)(A) of the Social Security Act for the fiscal year.

"(B) Determination of wage and non-wage-related proportion of the single per resident amount.—The Secretary shall estimate the average proportion of the single per resident amounts computed under paragraph (A) that is attributable to wages and non-wage-related costs.

"(C) Standardizing per resident amounts.—The Secretary shall establish a standardized per resident amount for each hospital as follows:

"(i) by dividing the single per resident amount computed under subparagraph (A) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

"(ii) by multiplying the wage-related portion by the factor applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during fiscal year 1999 for the hospital's area; and

"(iii) by adding the non-wage-related portion to the amount computed under clause (i).

"(D) Determination of national average.—The Secretary shall compute a national average per resident amount equal to the average of the per resident amounts computed under subparagraph (C) for such hospitals, with the amount for each hospital weighted by the average number of full-time equivalent residents at such hospital.

"(E) Application to individual hospitals.—The Secretary shall compute for each such hospital that is a children's hospital a per resident amount as follows:

"(i) by dividing the national average per resident amount computed under subparagraph (A) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

"(ii) by multiplying the wage-related portion by the factor described in subparagraph (C)(ii) for the hospital's area; and

"(iii) by adding the non-wage-related portion to the amount computed under clause (i).

"(F) Updating rate.—The Secretary shall update such per resident amount for each children's hospital at the rate of increase in the estimated percentage increase in the consumer price index for all urban consumers during the period beginning October 1997 and ending with the mid-year cost reporting period that begins during fiscal year 2000.

"(G) Amount of Payment for Indirect Medical Education.—

"(1) In general.—The amount determined under this subsection for payments to a children's hospital for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for a fiscal year is equal to an amount determined appropriate by the Secretary.

"(2) Determining the amount.—In determining the amount under paragraph (1), the Secretary shall—

"(A) take into account variations in case mix among children's hospitals and the number of full-time equivalent residents in each of the hospitals' approved graduate medical residency training programs; and

"(B) assure that the aggregate of the payments for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents under this section for the fiscal year are equal to the amount appropriated for such expenses for the fiscal year involved under subsection (f)(2).

"(3) Making of Payments.—

"(1) Interim Payments.—The Secretary shall determine, before the beginning of each fiscal year for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year. To the extent provided by law, the Secretary shall make the payments of such amounts in 26 equal interim installments during such period.

"(2) Withholding.—The Secretary shall withhold up to 25 percent from each interim installment for direct graduate medical education paid under paragraph (1).

"(4) Reconciliation.—At the end of each fiscal year for which payments may be made under this section, the hospital shall submit to the Secretary such information as the Secretary determines to be necessary to determine the percent (if any) of the total amount withheld under paragraph (2) that is due under this section for the hospital for the fiscal year. Based on such determination, the Secretary shall recoup any overpayments made, or pay any balance due. The amount so determined shall be considered a final intermediary determination for purposes of applying section 1878 of the Social Security Act and shall be subject to review under that section in the same manner as the amount of payment computed under section 1886(d)(4) of such Act is subject to review under such section.

"(5) Authorization of Appropriations.—

"(1) Direct Graduate Medical Education.—

"(A) In general.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under section (b)(1)(A)—

"(i) for fiscal year 2000, $90,000,000; and

"(ii) for fiscal year 2001, $95,000,000.

"(B) Carryover of Excess.—The amounts appropriated under subparagraph (A) for fiscal year 2000 shall be considered an obligation through the end of fiscal year 2001.

"(2) Indirect Medical Education.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under section (b)(1)(A)—

"(A) for fiscal year 2000, $190,000,000; and

"(B) for fiscal year 2001, $195,000,000.

"(6) Definitions.—In this section:

"(1) Approved Graduate Medical Residency Training Program.—The term ‘approved graduate medical residency training program’ means the terms given the term ‘approved medical residency training program’ in section 1886(h)(5)(A) of the Social Security Act.

"(2) Children's Hospital.—The term ‘children's hospital’ means a hospital described...

"(3) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term 'direct graduate medical education' means the meaning given such term in section 1886(h)(5)(C) of the Social Security Act.".

SEC. 5. STUDY REGARDING SHORTAGES OF LICENSED PHARMACISTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the 'Secretary'), acting through the appropriate agencies of the Public Health Service, shall conduct a study to determine whether and to what extent there is a shortage of licensed pharmacists. In carrying out the study, the Secretary shall seek the comments of appropriate public and private entities regarding any such shortage.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the study under subsection (a) and submit to the Congress a report that describes the findings made through the study and that contains a summary of the comments received by the Secretary pursuant to such subsection.

SEC. 6. REPORT ON TELEMEDICINE.

Not later than January 10, 2001, the Secretary of Health and Human Services shall submit to the Congress a report that—

(1) identifies any factors that inhibit the expandability of telemedicine services, including factors relating to telemedicine networks;

(2) identifies any factors that, in addition to geography, limit access to telemedicine services for patients receiving telemedicine services; and

(3) determines the extent to which—

(A) patients receiving telemedicine service have benefited from the services, and are satisfied with the treatment received pursuant to the services; and

(B) the medical outcomes for such patients would have differed if telemedicine services had not been available to the patients;

(4) determines the extent to which physicians involved with telemedicine services have been satisfied with the medical aspects of the services;

(5) determines the extent to which primary care providers are enhancing their medical knowledge and experience through the interaction with specialists provided by telemedicine consultations; and

(6) identifies legal and medical issues relating to State licensing of health professionals that are presented by telemedicine services, and provides any recommendations of the Secretary regarding such issues.

SEC. 7. CERTAIN TECHNOLOGIES AND PRACTICES REGARDING SURVIVAL RATES FOR CARDIAC ARREST.

The Secretary of Health and Human Services shall, in consultation with the Administrator of the General Services Administration and other appropriate public and private entities, develop recommendations regarding the placement of automatic external defibrillators in Federal buildings as a means of improving the survival rates of individuals who experience cardiac arrest in such buildings, including recommendations on training, maintenance, and medical oversight, and on coordinating with the system for emergency medical services.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**GENERAL LEAV**

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 580, and to insert extraneous material thereon.

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

There was no objection.

**WOMEN'S BUSINESS CENTERS SUSTAINABILITY ACT OF 1999**

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 791) to amend the Small Business Act with respect to the women's business center program, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. UDALL of New Mexico. Mr. Speaker, I am of the view that the right to object, I do not intend to object, but I rise in strong support of Senate bill S. 791, the Women's Business Centers Sustainability Act of 1999. This is the Senate version of H.R. 491, which the House recently passed under suspension. With the passage of this bill, we will ensure that the women's business centers keep their doors open, and that the program will continue to grow with new centers in previously underserved areas. I urge the Speaker to thank the gentlewoman from New York (Mrs. Harkins) for her hard work and leadership on this bill.

Mr. Speaker, under my reservation, I yield to the gentlewoman from New York (Mrs. KELLY) to explain her unanimous consent request.

**1995**

Mrs. KELLY. Mr. Speaker, the purpose of S. 791 is to allow for currently funded Women's Business Centers and graduated Business Women's Centers to recompete for Federal funding. S. 791 addresses the funding constraints that make it increasingly difficult for Women's Business Centers to sustain the level of services they provide and, in some instances, to remain open after they graduate from the Women's Business Centers Program and no longer receive Federal matching funds.

Mr. TALENT. Mr. Speaker, I rise today in support of Senate Bill 791, "The Women's Business Centers Sustainability Act of 1999." Women-owned businesses are the fastest growing sector of small business in America today. In fact, women entrepreneurs are starting new firms at twice the rate of men. Shrouded by these striking statistics, is the fact that women encounter numerous obstacles trying to start, maintain or expand a business—obstacles which must be eliminated if we are ever to realize the full potential of this dynamic sector of our economy.

In my particular District, there exists several entities that help women's small businesses expand, in some instances, get started. I am very proud of these organizations for their dedication and hard work. In a very orderly and organized way, without a lot of overhead, these business centers, by various names, are helping women who have an idea about a small business, providing them with technical assistance, in some instances to provide micro loans, and in all instances to provide the knowledge and wherewithal and planning that is necessary so that they start off on the right foot. Therefore, Mr. Speaker, I urge all members to vote for this mindfall, well thought out and support our Nation's women's businesses.

Mr. UDALL of New Mexico. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE. This Act may be cited as the "Women's Business Centers Sustainability Act of 1999".
SEC. 2. PRIVATE NONPROFIT ORGANIZATIONS.

Section 29 of the Small Business Act (15 U.S.C. 665) is amended—

(1) in subsection (a)—

(A) in paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and

(B) by inserting after paragraph (1) the following:

"(2) the term 'private nonprofit organization' means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and other taxes 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. 665) is amended—

(1) by striking subsection (h) and inserting the following:

"(h) PROGRAM EXAMINATION.—

"(1) IN GENERAL.—The Administration shall—

"(A) develop and implement an annual programmatic and financial examination of each women's business center established pursuant to this section, pursuant to which each such center shall provide to the Administration—

"(i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and

"(ii) a determination 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), verify the existence and valuation of those contributions; and

"(B) analyze the results of each such examination and, based on that analysis, make a determination regarding the programmatic and financial viability of each women's business center.

"(2) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to award a contract (as a sustainability grant) under subsection (i) or to renew a contract (either as a grant or cooperative agreement) under this section with a women's business center, the Administration—

"(A) shall consider the results of the most recent programmatic and financial examination of the center under paragraph (1); and

"(B) may withhold such award or renewal, if the Administration determines that—

"(i) the center has failed to provide any information required to be provided under clause (i) or (ii) of paragraph (1)(A), or the information provided by the center is inadequate;

"(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 (i) and inserting the following:

"(i) 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 woman'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; and

"(E) to the maximum extent practicable, increases or decreases in profits of assisted concerns; and

"(F) the most recent analysis, as required under subsection (h)(1)(B), and the subsequent determination made by the Administration under that subsection.

SEC. 4. WOMEN'S BUSINESS CENTERS SUSTAINABILITY PILOT PROGRAM.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 665) is amended by adding at the end the following:

"(i) SUSTAINABILITY PILOT PROGRAM.—

"(1) IN GENERAL.—There is established a 4-year pilot program under which the Administration is authorized to award grants (referred to in this section as 'sustainability grants') on a competitive basis for an additional 5-year project under this section to any private nonprofit organization (or a division thereof) that—

"(A) has received financial assistance under this section pursuant to a grant, contract, or cooperative agreement; and

"(B) that—

"(i) is in the final year of a 5-year project; or

"(ii) has completed a project financed under this section (or any predecessor to this section) and continues to provide assistance to women entrepreneurs.

"(2) CONDITIONS FOR PARTICIPATION.—In order to receive a sustainability grant, an organization described in paragraph (1) shall submit to the Administration an application, which shall include—

"(A) a certification that the applicant—

"(i) is a private nonprofit organization;

"(ii) employs a full-time executive director or program manager to manage the center; and

"(iii) as a condition of receiving a sustainability grant, agrees—

"(I) to a site visit as part of the final selection process and to an annual programmatic and financial examination; and

"(II) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

"(B) information demonstrating that the applicant has the ability and resources to meet the standards that will be required by the women's business center site for which a sustainability grant is sought, including the ability to fundraise;

"(C) information relating to assistance provided by the women's business center site for which a sustainability grant is sought in the area in which the site is located, including—

"(i) the number of individuals assisted;

"(ii) the number of hours of counseling, training, and workshops provided; and

"(iii) the number of startup business concerns formed;

"(D) information demonstrating the effective experience of the applicant in—

"(i) conducting financial, management, and marketing assistance programs, as described in paragraphs (1), (2), and (3) of subsection (b), designed to impart or upgrade the business skills of women business owners or potential owners;

"(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged;

"(iii) using resource partners of the Administration and other entities, such as universities; and

"(D) comply with the cooperative agreement of the applicant; and

"(v) the prudent management of finances and staffing, including the manner in which the performance of the applicant compared to the business plan of the applicant and the other comparable women's business centers that have received awards under subsection (b) were used by the applicant; and

"(E) a 5-year plan that projects the ability of the women's business center site for which a sustainability grant is sought—

"(i) to serve women business owners or potential owners in the future by improving training and targeted activities; and

"(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged.

"(2) REVIEW OF APPLICATIONS.—

"(A) IN GENERAL.—The Administration shall—

"(i) review each application submitted under paragraph (2) based on the information provided under in subparagraphs (D) and (E) of that paragraph, and the criteria set forth in subsection (f);

"(ii) as part of the final selection process, conduct a site visit at each women's business center for which a sustainability grant is sought; and

"(iii) approve or disapprove applications for sustainability grants simultaneously with applications for grants under subsection (b).

"(3) DATA COLLECTION.—Consistent with the annual report to the Committees on Small Business of the House of Representatives and the Senate, the Administration shall issue requests for proposals for sustainability grants simultaneously with applications for grants under subsection (b).

"(4) NON-FEDERAL CONTRIBUTION.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, 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 (2) and notice of the award has been issued, cash and in-kind contributions from non-Federal sources for each year of additional program participation in an amount equal to 1 non-Federal dollar for each Federal dollar.

"(B) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than 50 percent of the non-Federal assistance obtained for purposes of subparagraph (A) may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

"(5) TIMING OF REQUESTS FOR PROPOSALS.—In carrying out this subsection, the Administration shall not seek proposals for grants under subsection (b).

"(b) AUTHORIZATION OF APPROPRIATIONS.—

Section 29(k) of the Small Business Act (15 U.S.C. 665(k)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) (A) $12,000,000 for fiscal year 2000;
"(B) $12,000,000 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 in-
serting the following:
"(A) IN GENERAL.—Except as provided in
paragraph (B), amounts made; and
(B) by adding at the end the following:
"(B) EXCEPTIONS.—Of the amount made
available under this subsection for a fiscal
year, the following amounts shall be avail-
able for selection panel costs, post-award
conference costs, and costs related to moni-
toring and oversight:
(i) For fiscal year 2000, 2 percent.
(ii) For fiscal year 2001, 1.9 percent.
(iii) For fiscal year 2002, 1.9 percent.
(iv) For fiscal year 2003, 1.6 percent.
"(a) by striking "and the following:
"(A) CREATION OF FEDERAL
"(C) any recommended means to increase
the number of Federal contracts awarded to
women-owned small businesses that the
Comptroller General considers to be appro-
priate; and
(D) $14,500,000 for fiscal year 2003.''
"(B) $12,800,000 for fiscal year 2001;
"(C) $9,000,000 for fiscal year 2002;
"(D) $10,200,000 for fiscal year 2003.
"(b) IN GENERAL.—Subject to subparagraph
(B), of the total amount made available
under this subsection for a fiscal year, the
following amounts shall be reserved for sus-
tainability grants under subsection (l):
(i) For fiscal year 2000, 17 percent.
(ii) For fiscal year 2001, 18.8 percent.
(iii) For fiscal year 2002, 30.2 percent.
(iv) For fiscal year 2003, 30.2 percent.
"(C) USE OF UNAWARDED FUNDS FOR SUST-
AINABILITY GRANTS.—If the amount reserved
under subparagraph (A) for any fiscal year is not fully awarded to pri-
ate nonprofit organizations described in
subsection (l)(B), the Administration is
authorized to use the unawarded amount to
fund additional women's business center
sites or to increase funding of existing wom-
en's business center sites under subsection
(b)."
(c) GUIDELINES.—Not later than 30 days
after the date of enactment of this Act, the Admin-
istration shall issue guidelines to implement
the amendments made by this section.
SEC. 5. SENSE OF THE SENATE REGARDING GOV-
ERNMENT PROCUREMENT ACCESS
TO WOMEN-OWNED SMALL BUSI-
NESSSES.
(a) FINDINGS.—The Senate finds that—
(1) women-owned small businesses are a
powerful force in the economy;
(2) between 1987 and 1996—
(A) the number of women-owned small businesses in the United States
increased by 78 percent, almost twice the rate of increase of all businesses in the United States;
(B) the number of women-owned small businesses in every State;
(C) total sales by women-owned small busi-
nesses in the United States increased by 236 percent;
(D) employment provided by women-owned small businesses in the United States in-
creased by 183 percent; and
(E) the rates of growth for women-owned small business in the United States for the
fastest growing industries were—
(i) 171 percent in construction;
(ii) 157 percent in wholesale trade;
(iii) 140 percent in transportation and com-
munications;
(iv) 130 percent in agriculture; and
(v) 112 percent in manufacturing;
(3) approximately 8,000,000 women-owned small businesses in the United States pro-
vide jobs for 15,500,000 individuals and gen-
erate almost $1,400,000,000,000 in sales each year;
(4) the participation of women-owned small businesses in the United States in the pro-
curement market of the Federal Government is lim-
iting; and
(5) the Federal Government is the largest purchaser of goods and services in the United
States, spending more than $200,000,000,000 each year;
(g) the majority of Federal Government purchases are for items that cost $25,000 or less;
and
(h) the rate of Federal procurement for
women-owned small businesses is 2.2 percent.
(b) SENSE OF THE SENATE.—It is the sense of
the Senate that—
(1) conduct an audit of the Federal pro-
curement system regarding Federal con-
tracting involving women-owned small busi-
nesses for the 3 preceding fiscal years;
(2) solicit from Federal employees involved in the Federal procurement system any sug-
gestions regarding how to increase the num-
ber of Federal contracts awarded to women-
owned small businesses;
(3) submit to Congress a report on the re-
sults of that audit, which report shall include—
(A) an analysis of any identified trends in
Federal contracting with respect to women-
owned small businesses;
(B) any recommendations means to increase
the number of Federal contracts awarded to
women-owned small businesses that the
Comptroller General considers to be appro-
priate; and
(C) a discussion of any barriers to the
receipt of Federal contracts by women-owned
small businesses and other small businesses that are created by legal or regulatory pro-
curement requirements or practices.
SEC. 6. EFFECTIVE DATE.
This Act shall take effect on October 1, 1999.
November 18, 1999

CONGRESSIONAL RECORD — HOUSE
H12867

and settled in Maricopa County, Arizona. While maintaining a partnership in her law firm and raising her three children, O'Connor wrote questions for the Arizona bar exam, helped start the State's lawyer referral service, sat on the Arizona Board of Bar Examiners, served on the County Board of Adjustments and Appeals, served on the Governor's Committee on Marriage and Family, worked as an administrative assistant on the Arizona State Hospital, was an adviser to the Salvation Army, and volunteered for African American and Hispanic children.

In 1965, Justice O'Connor became an assistant State attorney general and continued her volunteer work. In 1969, she was appointed to fill a vacated seat in the State senate. She won reelection in two successive terms and served as majority leader in 1972. In 1974, O'Connor was elected to a State judgeship on the Maricopa County Superior Court before being appointed to the Arizona Court of Appeals.

In 1981, while serving in the Court of Appeals, Ronald Reagan fulfilled his campaign pledge of nominating a female justice to sit on the Supreme Court and nominated Sandra Day O'Connor. O'Connor was confirmed 99 to 0 by the Senate as the Supreme Court's first female justice. Justice O'Connor has had a major impact on the court and has distinguished herself as a justice, a public servant, volunteer and mother. This nomination was a fitting honor to a person who has dedicated her life in so many ways to public service. I support the bill and urge my colleagues to support it as well.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I join with delight in supporting this legislation to honor the first woman to serve on the Supreme Court, Justice O'Connor, who has indeed distinguished herself. I have had the delight and privilege of getting to know Justice O'Connor and visiting with her on several occasions.

Mr. Speaker, I rise in strong support of this bill, which designates the courthouse at 401 West Washington Street in Phoenix, Arizona, as the Sandra Day O'Connor United States Courthouse.

Justice O'Connor is the first woman to serve on the Supreme Court. She was nominated by President Reagan and was confirmed by a unanimous vote of the U.S. Senate in September of 1981. Ever since, she has served as a distinguished jurist on our Nation's highest court.

In addition to her outstanding legal career and dedication to judicial excellence, Justice O'Connor also devotes many hours as a volunteer for various charitable organizations, an endeavor that has long history of participation in numerous civic and legal organizations.

Justice O'Connor has spent her career serving the public trust. She began her public career in legislative positions, including serving in the Arizona State Senate from 1969 until 1975, during which time she served as majority leader and a member of the Arizona Advisory Council on Intergovernmental Relations. Earlier in her career, from 1952 to 1953, Justice O'Connor served the public in California as the Deputy County Attorney in San Mateo County, and as Assistant Attorney General in Arizona from 1965 until 1969.

Her civic activities are numerous and reflect her broad interests and public services. She is a member of the National Board of the Smithsonion; she is President of the Board of Trustees of the Heard Museum; and she serves on the Advisory Board of the Salvation Army. Justice O'Connor has been Vice President of the National Conference of Christians and Jews, and a member of the Board of Trustees of her alma mater, Stanford. She has worked with the Arizona Academy, Arizona Junior Achievement, the Phoenix Historical Society.

Justice O'Connor has been active in the training and education committees for the judicial conference, and holds memberships in the American Bar Association and several state associations.

Among all these accomplishments, Justice O'Connor has also been a devoted wife and mother. She and her husband, John, have been married almost 50 years and have three sons.

Her life has been filled with challenge, hard work, and promise. It is with great pleasure that I support S. 1595 in honor of Justice O'Connor, and urge my colleagues to join me.

Mr. Speaker, I would like to further add to the comments of the gentleman from Arizona who listed a number of women who serve in public office. The State of Arizona is very privileged to have my cousin, Rose Oberstar, serve as its governor.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1595

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

SECTION 1. DESIGNATION OF SANDRA DAY O'CONNOR UNITED STATES COURTHOUSE.

The United States courthouse at 401 West Washington Street in Phoenix, Arizona, shall be known and designated as the "Sandra Day O'Connor United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Sandra Day O'Connor United States Courthouse".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT C. WEAVER FEDERAL BUILDING

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 67) to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building", and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. OBERSTAR. Mr. Speaker, I yield to the gentleman.
Mr. Speaker, S. 67 designates the headquarters building of the Department of Housing and Urban Development in Washington, D.C. as the Robert C. Weaver Federal Building.

Robert C. Weaver was born on December 23, 1907 in Washington, D.C. He attended Harvard University and earned three degrees, including a doctorate in economics. In the 1930s and 1940s, Dr. Weaver was involved in many government agencies, where he advocated for racial equality.

In the early 1960s, President Kennedy appointed Dr. Weaver administrator of the Housing and Home Financing Agency, the predecessor to the Department of Housing and Urban Development. President Johnson designated HUD a Cabinet-level agency. Following service in the Federal Government, Mr. Weaver became a professor of numerous colleges.

Dr. Weaver passed away in July of 1997. This is a fitting designation. I support the bill and urge my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, further afield to object, I too rise in support of S. 67 to designate the HUD headquarters as the Robert C. Weaver Federal Building.

I have had the privilege, as a member of the staff of my predecessor, to meet Bob Weaver; and I have only the highest respect for his professional accomplishments and for Dr. Weaver as a very decent, warm, caring, energetic, hard-working, and visionary human being.

Dr. Robert Clifton Weaver has been one of the most instrumental and influential Americans in directing and administering federal housing policies. Dr. Weaver was a native Washingtonian, a graduate of Dunbar High School, and Harvard University in 1929. In 1931 he received his Masters degree, and in 1934 his Ph.D. in economics from Harvard.

He entered government in 1933, as one of the young professionals who were drawn to Washington because of the “New Deal” program under President Franklin D. Roosevelt.

He quickly became a leader in promoting opportunities and efforts to increase minority participation in government projects and policy development. During the 1940’s and 1950’s, Dr. Weaver held a variety of prestigious positions, including Director of the Opportunity Fellowship Program of the John Hay Whitney Foundation, consultant to the Ford Foundation, State of New York Rent Administrator, and Harvard University’s Robert F. Wagner Public Service Award. He quickly became a leader in promoting opportunities and efforts to increase minority participation in government projects and policy development. During the 1940’s and 1950’s, Dr. Weaver held a variety of prestigious positions, including Director of the Opportunity Fellowship Program of the John Hay Whitney Foundation, consultant to the Ford Foundation, State of New York Rent Administrator, and Harvard University’s Robert F. Wagner Public Service Award.

In honor of the first Secretary of Housing and Urban Development, the headquarters building of the Department of Housing and Urban Development is located at 451 Seventh Street, SW., in Washington, District of Columbia, shall be known and designated as the “Robert C. Weaver Federal Building”.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that the Com-

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 67

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

SECTION 1. DESIGNATION OF ROBERT C. WEAVER FEDERAL BUILDING.

In honor of the first Secretary of Housing and Urban Development, the headquarters building of the Department of Housing and Urban Development is located at 451 Seventh Street, SW., in Washington, District of Columbia, shall be known and designated as the “Robert C. Weaver Federal Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the “Robert C. Weaver Federal Building”.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. OBERSTAR. Mr. Speaker, I yield to the gentleman from Pennsylvania.

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

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

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

This bill creates a new Federal Motor Carrier Safety Administration within the Department of Transportation and makes significant safety improvements. It is a good bipartisan bill that will improve safety on our Nation’s highways.

Mr. Speaker, this bill will make our roads safer for everyone. We owe it to the driving public to ensure that the trucks with which they share the road are safe. Without hampering honest operators, this bill will ensure that the authorities will have the resources they need to keep unsafe buses and trucks off the road. It closes loopholes and imposes tough penalties on repeat offenders.

This bill doubles the number of State truck inspectors and puts more inspectors on the Mexican border to ensure that income Mexican trucks meet all U.S. safety standards. This is a time-sensitive bill because trucking safety currently does not have an organization home at the Department of Transportation.

It is temporarily housed in the Office of the Secretary. This bill will create a new Federal Motor Carrier Safety Administration effective January 1, 2000.

If Congress does not enact this bill, truck safety will remain in limbo at the Department. This is truly a comprehensive bill that restructures Federal motor carrier safety efforts.

This new agency will be dedicated to truck and bus safety. In the past, motor carrier safety oversight was housed in the Federal Highway Administration, where it had to compete with large Federal infrastructure programs for attention.

The complexity and growth of the trucking industry justifies the creation of an agency with a clear, preeminent safety mission focused on truck and bus safety. Truck safety will now have the same status within the Department as aviation safety, automobile safety, pipeline safety, and maritime safety.

When this bill passed last month, some in the media said the bill would overturn NAFTA. Amazingly enough, they were wrong. This bill gives the Secretary the power to shut down unsafe Mexican trucks coming into the U.S.—that is to say. To ensure this bill has no effect on NAFTA, we have included language that states that nothing in today’s bill will over-ride NAFTA.

This is the most significant motor carrier safety legislation since 1986.

This bill was developed between the House and the Senate. It is very similar to the truck safety bill passed earlier this year by the House of Representatives by the overwhelming margin of 415 to 5.

It is my hope that if the House passes this bill today that the Senate will pass it before the Congress adjourns. This bill is a pro-safety bill that will improve highway safety for all Americans. I urge passage of the bill.
Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I am very pleased with this bill. The Motor Carrier Safety Improvement Act of 1999 is a good bill. It preserves all the strong provisions of the bill that passed the Senate, adds the strong provisions of the House Senate bill that will further enhance safety. A strong House bill has been made even stronger.

I just want to express my great appreciation to my chairman, my partner, and the chairman of the subcommittee, the gentleman from Virginia (Mr. WOLF) certainly played a key role size that the gentleman from Virginia had on our committee.

This gentleman's statement underscores the special role of the Subcommittee on Transportation and Infrastructure. In a Congress that has been getting a bad rap for gridlock, this committee has worked together and achieved an extraordinary record of accomplishment. Just before the August break, it was 26 percent of the bills that had passed the House enacted into law were bills from this committee.

Our percentage has dropped only because other committees have awakened and have risen to the challenge and the examples set by the Committee on Transportation and Infrastructure. But again, it is due to the partnership and the cooperation we have achieved. I think, at the level of the chairman and ranking member.

Mr. Speaker, I rise in strong support of the Motor Carrier Safety Improvement Act of 1999. We originally passed this bill on October 14, but the Other Body did not complete work on its version of the bill. In order to make it possible to send a bill to the President before we adjourn, we have worked with the Senate Commerce Committee on a bipartisan basis to develop a bill that combines the best features of our bill and the companion motor carrier safety bill introduced in the Other Body. Our aim is to pass this compromise legislation in both Houses prior to adjournment and to send it to the President for his signature.

I am very pleased with the Motor Carrier Safety Improvement Act of 1999. This is a good bill. It preserves all the strong safety provisions in the House bill, and adds provisions from the Senate bill that will further enhance safety. A strong House bill has been made even stronger.

I want to commend our Committee Chairman, Mr. Speaker, Chairman PETRI of the Ground Transportation Subcommittee, and Subcommittee Ranking Member RAHAL for their diligent efforts in developing this bill. This important legislation will give federal government the direction, the incentives, and the resources needed to improve the safety of large trucks on our highways. Every year, crashes involving large trucks kill more than 4,300 people and injure about 130,000 people. On average, there are 14 deaths and 350 injuries every day of the year. Unless the federal safety program is strengthened, there will be more deaths and injuries as the number of miles traveled by large trucks increases. This is not acceptable.

The Inspector General of the Department of Transportation, the General Accounting Office, and Norm Mineta, a former Chairman of our Surface Transportation Subcommittee and Full Committee, have concluded that the federal government's program to ensure the safety of motor carriers has major deficiencies. Their studies found that DOT has not been conducting enough commercial vehicle and driver inspections and compliance reviews, eliminating the backlog in rulemaking and enforcement cases, improving the quality and effectiveness of databases, and increasing inspection resources at the border. An official's progress toward meeting the goals is to be given substantial weight when bonuses and other staff performance awards are dispersed within the Department.

The bill will give the Administration the resources it needs to do a better job. The bill provides a significant increase in guaranteed and authorized funding for motor carrier safety programs. Funding for personnel and resources of the new Administration will be 70 percent higher (an average of $38 million per year) than current staffing for the Office of...
Motor Carrier Safety. The additional funding will enable the Motor Carrier Administration to hire more federal inspectors, and more attorneys to complete rulemakings. The bill also provides an additional $55 million per year for guaranteed funding for motor carrier safety grants. In addition, the bill authorizes $75 million per year for grants approved by the Secretary of Transportation for motor carrier safety grants above the guaranteed level.

The bill makes numerous programmatic changes to improve safety by keeping dangerous drivers and vehicles off the road. It strengthens the Department of Transportation's ability to enforce its regulation and impose stiff fines on violators. If carriers operate outside the scope of their registration authority, their trucks would be placed out-of-service.

Data Collection to Target Problems. New data and analysis tools would help the Department determine why truck and bus crashes happen and identify the best prevention measures. The bill would also require motor carriers to update their records with the Department, helping us to focus enforcement resources on carriers that present the greatest safety risk.

Increased Resources. With passage of this bill, states would receive a major boost in resources to inspect, enforce, and improve safety. They would be able to implement innovative new safety countermeasures, keep more complete crash data, and strengthen enforcement programs.

I urge the Congress to act expeditiously to approve the "Motor Carrier Safety Improvement Act of 1999." I believe we have a singular opportunity now to make major strides toward improving motor carrier safety and achieving the Administration's 50 percent safety improvement goal. The Department looks forward to working with all our partners in continuing these critical efforts to save lives and make our nation's highways safer.

Mr. Speaker, I concur with the statement of the chairman of the committee on the remarks and the document that he will include in the RECORD that serve as a joint statement of managers for this legislation.

Mr. SHUSTER. Mr. Speaker, if the gentleman will continue to yield, I am submitting for the RECORD the joint explanatory materials I referred to above:

INTRODUCTORY NOTE TO JOINT EXPLANATORY MATERIALS

We are pleased to submit the accompanying joint Explanatory Statement of the Motor Carrier Safety Improvement Act. These materials explain the provisions of the bill in detail. On September 24, the Committee on Transportation and Infrastructure filed its report (H. Rept. 106-333) on H.R. 2679, the Motor Carrier Safety Act, to establish a separate motor carrier administration at the Department of Transportation and to make reforms to the commercial driver's license program. The House overwhelmingly passed H.R. 2679 on October 14. The Senate introduced S. 1501, the Motor Carrier Safety Improvement Act, in August but took no further action on the bill.

To expedite enactment of the significant motor carrier safety reforms contained in this bill, the leadership of the House Transportation and Infrastructure Committee has worked with the Senate Commerce, Science, and Transportation Committee to introduce a companion bill. This joint Explanatory Statement therefore represents the views of the Chairmen and Ranking members of the Transportation and Infrastructure Committee and the Ground Transportation Subcommittee, along with the Chairman and Ranking Member of the Senate Commerce Committee.

This Joint Explanatory Statement will provide legislative history for interpreting this important safety legislation.
for the regulation of air transportation. See 49 U.S.C. 40101(a)(1) & (d) and 49 U.S.C. 47101(a)(1). The Managers intend that new section 101 be interpreted and implemented in the light of the above cited provisions in the laws governing aviation.

The Administration is headed by a Presidentially appointed, Senate-confirmed Administrator. The Administrator is responsible for implementing current motor carrier safety standards and for the development and promulgation of new motor carrier safety standards. The Administrator also is responsible for the coordination of motor carrier safety activities with other agencies of the Federal government and with States. The Administrator also is responsible for the coordination of motor carrier safety activities with the public and private sectors.

Subsection (b) provides that the Administrator shall be responsible for the coordination of motor carrier safety activities with other agencies of the Federal government and with States. The Administrator also is responsible for the coordination of motor carrier safety activities with the public and private sectors.

The managers note the bill does not establish any specific offices of the FMCSA because the Congress intends to determine the specific organizational structure of the Administration. The Congress intends the Secretary to organize the new agency in a manner and structure that adequately reflects the unique demands of passenger vehicle safety, international affairs, and consumer affairs.

Sec. 102. Revenue aligned budget authority

Subsection (a) provides that the Proceedings Fund for the motor carrier safety assistance program shall be the amount of guaranteed funding provided in TEA 21 for the motor carrier safety assistance program by the following amounts: $5 million for each of fiscal years 2000 through 2003.

Subsection (b) amends section 1102 of TEA-21, amending the relocation of a second section 102, concerning uniform transferability of Federal-aid highway funds, to a section 126 of title 23, United States Code.

Sec. 103. Additional funding for Motor Carrier Safety Grant Program

Subsection (a) authorizes an additional $75 million from the Highway Trust Fund for each of fiscal years 2000 through 2003 for the motor carrier safety assistance program.

Subsection (b) amends section 4003 of the Transportation Equity Act for the 21st Century (TEA-21) to increase the amount of guaranteed funding provided in TEA 21 for the motor carrier safety assistance program by the following amounts: $5 million for each of fiscal years 2000 through 2003. The fiscal year 2001 amount.

Subsection (c) provides that if a State is not in substantial compliance with each requirement of 49 U.S.C. 31331, concerning commercial driver’s licensing, the Secretary shall withhold any allocation of the State’s funds under this section. Each State must maintain its spending for MCSAP-eligible activities at a level equal to the average annual level of expenditures for MCSAP activities fiscal years 2001 and 2002.

Subsection (d) requires the Secretary to provide emergency grants of up to $1 million to a State that is having difficulties in meeting the requirements of a State’s funding program and is in danger of losing its program suspended due to noncompliance.

Subsection (e) provides that if a State is not in substantial compliance with each requirement of 49 U.S.C. 31311, concerning commercial driver’s licensing, the Secretary shall withhold any allocation of the State’s funds under this section. Each State must maintain its spending for MCSAP-eligible activities at a level equal to the average annual level of expenditures for MCSAP activities fiscal years 2001 and 2002.

Subsection (f) requires the Administrator of the FMCSA to designate a regulatory ombudsman to expedite rulemakings in order to meet statutory and internal departmental deadlines.

Sec. 105. Commercial motor vehicle safety advisory committee

The provision permits the establishment of a commercial motor vehicle safety advisory committee to develop recommendations on a range of commercial motor vehicle safety issues. Members are appointed by the Secretary and include representatives of industry, drivers, safety advocates, manufacturers, safety enforcement officials, representatives of law enforcement agencies from border States, and other individuals affected by the Secretary. The advisory committee also requests that the Secretary convey the assessments to the Congress the results of the individual and Administration progress assessment annually.

Subsection (f) requires the Administrator of the FMCSA to designate a regulatory ombudsman to expedite rulemakings in order to meet statutory and internal departmental deadlines.

Sec. 106. Savings provision

The savings provision is intended to provide for the orderly transfer of personnel and

Sec. 106. Savings provision

The savings provision is intended to provide for the orderly transfer of personnel and
property from the Office of Motor Carrier Safety to the FMCSA. The provision is also intended to ensure that legal documents and requirements that had been in effect on the date of enactment and the proceedings in effect, will continue as if the Act had not been enacted. The savings provision also provides that the Secretary may not issue any rules or orders under this Act that conflict with the Secretary’s actions under 49 U.S.C. 521(b) as they exist prior to the effective date if the Act had not been enacted.

The provision also states that no suit, proceeding, or other action commenced against the Office of Motor Carrier Safety, or its predecessors, to apply to the FMCSA.

Sec. 107. Effective date

Subsection (a) provides that this Act shall take effect on the date of its enactment; except that the amendments made by section 101, which establish the Federal Motor Carrier Safety Administration, shall take effect on January 1, 2000.

Subsection (b) requires that the President’s budget submission for fiscal year 2001 and each fiscal year thereafter reflect the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

Sec. 201. Disqualifications

Subsection (a) amends section 31310 of title 49, United States Code, to make a single violation of driving a commercial motor vehicle with a revoked, suspended, or canceled license, or driving while disqualified, revocation, suspension, or cancellation of a CDL holder’s commercial driver’s license, also make the commission of more than one violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver’s license, or driving while disqualified, a lifetime disqualifying offense, and to make a conviction of more than one offense of causing a fatality through the negligent operation of a commercial motor vehicle a one-year disqualifying offense. This subsection also makes the commission of more than one violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver’s license, or driving while disqualified, a lifetime disqualifying offense, and to make a conviction of more than one offense of causing a fatality through the negligent operation of a commercial motor vehicle a one-year disqualifying offense.

Subsection (b) amends section 31310 to give the Secretary the authority to revoke the commercial driving privileges of an individual upon a determination by the Secretary that the individual is an imminent hazard. The Secretary can disqualify an individual under this provision for no more than 30 days but providing notice and an opportunity for a hearing.

Subsection (b) also amends section 31310 to require the Secretary to issue regulations establishing a single disqualifying offense for operating a commercial motor vehicle an individual who holds a commercial driver’s license and who has been convicted of a serious or multiple violations of any of the laws committed by the CDL holder, and to make such record available upon request to the individual operating a commercial motor vehicle.

Subsection (c) amends section 31310 to require the Secretary to issue regulations establishing a single disqualifying offense for operating a commercial motor vehicle an individual who holds a commercial driver’s license, and who has been convicted of a serious or multiple violations of any of the laws committed by the CDL holder, and to make such record available upon request to the individual operating a commercial motor vehicle.

Sec. 202. Requirements for State participation

Subsection (a) amends section 31311(a)(6) of title 49, United States Code, to require a State to request, before renewing an individual’s CDL, all information about the driving record of such individual from any other State that has issued a driver’s license to the individual.

Subsection (b) amends section 31311(a)(8) of such title to require a State, when notifying the Secretary, the operator of CDL, or the issuing State’s motor vehicle department, revocation, suspension, or cancellation of a CDL holder’s commercial driver’s license, to also notify such entities of the underlying violation that resulted in such disqualification, revocation, suspension, or cancellation.

Subsection (c) amends section 31311(a)(9) of such title to require a State to notify a CDL holder to the Secretary of the holder’s accumulated violations of traffic laws committed by the CDL holder, not just violations involving a commercial motor vehicle. The subsection also makes such notification to the Secretary a requirement that a State that has issued a driver’s license (non-CDL) to an individual of any violation committed by such individual while the individual is operating a CMV.

Subsection (d) amends section 31311(a)(10) of such title to provide that a State may not issue any form of special license or permit, including a provisional or temporary license, to the holder of a CDL if the holder of the CDL holder to drive a CMV during a period in which the CDL holder’s license is revoked, suspended, or canceled. Such suspensions or cancellations of a CDL holder is disqualified from operating a CMV.

Subsection (e) amends section 31311(a)(13) of such title to provide that a State may establish penalties for noncompliance with the requirements of the regulation issued under 31305(b)(1) of title 49, United States Code.

Sec. 203. State noncompliance

Subsection (a) amends section 31311(a)(20) of title 49, United States Code, to require each State, before issuing or renewing any motor vehicle operator’s license to an individual, to query both the National Driver Register (NDR) and the commercial driver’s license information system (CDLIS). The intent of this provision is to close a loophole in the CDL program that prevents drivers from spreading multiple convictions over multiple licenses. The provision also amends section 31311(a)(6) to require that before issuing or renewing a commercial driver’s license, the State shall request from any other State that has issued a driver’s license to the individual all information about the driving record of the individual.

Sec. 205. Registration enforcement

The provision adds new subsection 13902(e) to authorize the Secretary to put a carrier in out-of-service status or to order the carrier to stop operating without authority or beyond the scope of its authority. Foreign motor carriers who operate vehicles in the U.S. are not required to operate in interstate commerce without evidence of registration in each motor vehicle.

Sec. 206. Delinquent payment of penalties

Subsection (a) amends section 31313(c) of title 49, United States Code, to provide that no person may be in out-of-service status or in out-of-service status, or be denied the right to operate in interstate commerce, or subject to other penalties under this Act because of a failure to pay assessed penalties for a commercial motor vehicle that fails to pay an assessed civil penalty or fails to comply with the Secretary’s order to stop operating or to perform any other requirement of the Secretary for the payment of such penalty.

This provision does not apply to a person unable to pay assessed penalties because a person who is bankrupt or a person under chapter 11 of title 11, United States Code.

Subsection (b) amends section 522(b) of title 49, United States Code, to provide that no person may be in out-of-service status or be denied the right to operate in interstate commerce, on the basis of a failure to pay assessed penalties because of a person who is a debtor in a case under chapter 11 of title 11, United States Code.
Sec. 207. State cooperation in registration enforcement

The provision amends sections 3102(b) of title 49, United States Code, to clarify that States must cooperate in registration enforcement and financial responsibility requirements in sections 13902, 13906, 31138 and 31139 of such title.

Sec. 208. Immigrant hazard

The provision revises the definition of immigrant hazard in section 521(b)(5)(B) of title 49, United States Code, to refer to a condition that "substantially increases the likelihood of serious injury or death." This change was in response to the recommendation contained in the IG's April 222(c) of this Act, and the circumstances in which such findings are made.

Sec. 210. New motor carrier entrance requirements

This provision requires the Secretary to establish minimum requirements for new motor carriers to ensure that all commercial zones that have been determined to protection rules and other potential methods of enforcement, including State enforcement.

Sec. 211. Periodic refiling of motor carrier identification reports

This provision requires the Secretary to implement all the DOT Inspector General's recommendations contained in the IG's April 1999 report assessing the effectiveness of DOT's motor carrier safety program, except that all such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act. These recommendations, found on pages 17, 26, and 27 of the report, are:

1. Strengthen its enforcement policy by establishing written policy and operating procedures to take strong action against motor carriers with the safest ratings, of the same acute or critical regulation. Strong enforcement actions would include assessing fines at the statutory maximum amount, the issuance of compliance orders, non-negotiable reduced assessments, and when necessary, placing motor carriers out of service.

2. Remove all administrative restrictions on filing for compliance with the Final Audit program and increase the maximum fines to the level authorized by TEA-21.

3. Establish stiffer fines that cannot be considered a cost of doing business and, if necessary, seek appropriate legislation raising statutory penalty ceilings.

4. Implement a process that removes the operating authority for motor carriers that fail to pay civil penalties within 90 days after final orders are issued or settlement agreements are completed.

5. Establish criteria for determining when a motor carrier poses an imminent hazard.

6. Require follow-up visit and monitoring of those motor carriers with a less-than-satisfactory safety rating, at varying intervals, to ensure that safety improvements are sustained and that appropriate sanctions are invoked.

7. Establish a control mechanism that requires a written justification by the OMC Administrator on whether reviews of high-risk carriers are not performed.

8. Establish a written policy and operating procedures that identify criteria and time frames for closing enforcement cases, including the current backlog.

Recommendations for Data Enhancement:

1. Require applicants requesting operating authority to provide the number of commercial vehicles they operate and the number of drivers they employ and require all motor carriers to periodically update this information.

2. Revise the grant formula and provide incentives through MSCAP grants for States to provide accurate, complete and timely vehicle crash data, vehicle and driver inspection data and traffic violation data within a reasonable notification period such as one year.

3. Withhold funds from MSCAP grants for those States that continue to report inaccurate and untimely commercial vehicle crash data, vehicle and driver inspection data and traffic violation data within a reasonable notification period such as one year.

4. Initiate a program to train local enforcement agencies for reporting of crash, roadside inspection data including associated traffic violations.

5. Standardize OMC and NHTSA crash data requirements, crash data collection procedures, and reports.

6. Obtain and analyze crash causes and fault data as a result of comprehensive crash evaluations to identify contributing factors.

The provision requires that every 90 days, beginning 90 days after enactment, the Secretary provide status reports on the implementation of recommendations contained in the IG would also be directed to provide the Committee with assessments of the Secretary's progress. The IG report shall include an analysis of the number of violations cited by safety inspectors, the level of fines assessed and collected for such violations, the number of cases in which there are findings of extraordinary circumstances under section 222(c) of this Act, and the circumstances in which such findings are made.

Sec. 217. Border staffing standards

Subsection 218(a) requires the Secretary to develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

Subsection (b) lists the factors to be considered in developing the staffing standards.
These include the volume of traffic, hours of operation of the border facilities, types of commercial motor vehicles (including passenger vehicles) and cargo in the border areas, and some responsibilities of Federal and State inspectors.

Subsection (c) prohibits the United States and any State from reducing its respective level of motor safety inspectors anywhere in the international border area below the level of such inspectors in fiscal year 2000.

Subsection (d) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not ensured that appropriate levels of staffing consistent with the staffing standards are deployed in international border areas, such levels of staffing shall be increased to a level of 1 percent of motor carrier safety assurance program funds for border commercial motor vehicle and safety enforcement programs.

Sec. 219. Foreign motor carrier penalties and disqualifications

Subsection 219(a) provides for civil penalties and disqualifications for foreign motor carriers that operate, before implementation of the land transportation provisions of NAFTA, without authority outside of a commercial zone.

Subsection (b) provides that the civil penalty for an intentional violation shall not be more than $10,000 and may include disqualification from operating in U.S. for not more than three years.

Subsection (c) provides that the civil penalty for a pattern of intentional violations shall not be more than $25,000, the carrier shall be disqualified from operating in the U.S., and that such disqualification may be permanent.

Subsection (d) prohibits any foreign motor carrier from leasing its motor vehicles to any other carrier to transport property in the U.S. during any period in which a suspension, condition, restriction, or limitation imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (e) provides that no provision may be enforced if inconsistent with international agreements.

Subsection (f) provides that acts committed without knowledge of the carrier or committed unintentionally are not grounds for penalties.

Sec. 220. Traffic law initiative

The provision permits the Secretary to carry out a program with one or more States to develop innovative methods of improving motor vehicle safety and performance by using the technology of photography and other imaging technologies.

Sec. 221. State-to-State notification of violations and crash causation

This section clarifies Congressional intent with respect to the Department's investigative authority of the Department of Transportation Inspector General (IG).

When the Office of Motor Carrier Safety finds evidence of criminal violations of motor carrier safety regulations through their regulatory compliance efforts, or these cases of investigations. Recently, a U.S. District Court concluded that an investigation undertaken by the IG exceed its jurisdiction, see In the Matter of the Search of Northland Trucking Inc. (D.C. Arizona), finding that the motor carrier involved was not a grantee or contractor of the Department, nor was there evidence of collusion with DOT employees. This narrow construction of the IG's authority is not well grounded in law, and the managers are concerned about the adverse impact of DOT investigations. This provision, therefore, clarifies Congressional intent with respect to the authority of the IG, reaffirming the IG's ability and authority to conduct criminal investigations of parties subject to DOT laws or regulations, whether or not such parties receive Federal funds from the Department. The IG, Mr. Speaker, I stand today in support of H.R. 3419, which incorporates H.R. 2679, the Motor Carrier Safety Act. I am especially pleased to see that this bill includes provisions for Foreign Motor Carrier penalties and disqualifications.

Mexican-domiciled trucks are operating improperly in the United States and violate U.S. statutes by either not obtaining operating authority or operating beyond the scope of their authority. About 98% of these trucks are limited to operating within the commercial zones along the four southern border states, but Mexican trucks have been found as far away as Washington, New York and my home state of Illinois.

Mr. Speaker, in FY98, there were almost 24,000 safety inspections performed on driver operators of vehicles of Mexican domiciled trucks. Forty one percent of these truck failed to meet U.S. safety requirements, and were placed out of service for safety violations. Clearly, it is imperative that we keep these unsafe trucks off our highways.

Current law provides for only a $500 fine for those trucks operating where they are not supposed to. This bill will increase penalties for those trucks that operate without authority, raising the fines to a $10,000 fine and a six month suspension maximum for the first offense and a $25,000 fine and possibly permanent suspension for subsequent offenses, a measure I strongly support.

I believe that this will minimize the number of unsafe trucks on our highways, ensuring safer roads for everybody. By moving the Office of Motor Carrier Safety into the new Highroad Administration, it is my hope that the Office will have the power to enforce compliance to this legislation.

I urge my colleagues to join me in supporting this bill.

Mr. WOLF, Mr. Speaker, I rise in support of the bill offered by the gentleman from Pennsylvania. The Motor Carrier Safety Improvement Act of 1999 forms a new motor carrier...
safety administration that is charged with improving motor carrier safety from its current deplorable state. This bill also includes a number of needed changes to the commercial driver’s license program and motor carrier operations along our southern border. This is a good step forward.

For the past year, the House Appropriations Committee, and the Transportation and Infrastructure Committee, have been reviewing a variety of truck safety issues. What we found was appalling. The Office of Motor Carriers, which has been housed within the Federal Highway Administration, has allowed motor carrier safety to decline dramatically. Last year 5,374 people died in truck related accidents. The year before that, 5,398 people died—a decade high. During this same period, safety reviews on trucking companies dropped from 5 per month to one per month, and civil penalties declined to $1,600. Because of this, and other problems, the Department of Transportation Inspector General, the chairman of the National Transportation Safety Board, trucking representatives, the law enforcement community, and safety advocates all agree that the Office of Motor Carriers has been ineffective in reducing trucking accidents and fatalities.

The bill before you will address many of the problems found by Congress and these groups. It will strengthen truck safety activities both at the federal and at the state levels. As noted, it creates a new safety administration, which as its name implies, will be focused on safety. It is critical Mr. Speaker, that the Secretary appoint a good and decent person to the position of Administrator, who will focus on safety first, making it their daily goal to reduce the number of truck related fatalities on our nation’s highways. This person should not only be knowledgeable in the area of truck safety but be free of any conflicts of interest.

Finally, Mr. Speaker, I’d like to express my appreciation, and that of the nation, to the gentleman from Pennsylvania for moving this bill. Because of his efforts, along with those of the gentlemen from Wisconsin, Minnesota and West Virginia, thousands of families across the country are here today. The number was in attendance informing them that a relative has been involved in an accident. I want the world to know Mr. Speaker, that because of Mr. Shuster’s leadership on this issue, America’s highways will be safer. He deserves our thanks.

Mr. MENENDEZ. Mr. Speaker, this bill makes our roads for drivers, passengers, and pedestrians. For too long, the Department of Transportation has neglected commercial passenger van safety. When the Transportation Equity Act for the 21st Century passed, I thought the DOT would address this issue because that was the intent of Section 4008 in the bill. Unfortunately, the DOT did not meet this intent since they chose to delay the application of Federal Motor Carrier Safety regulations to for-profit commercial passenger vans. I am pleased that this bill forces the Department of Transportation to complete its rulemaking and not exempt all for-profit commercial passenger van operators from the final rule when it is issued.

Another problem we have and that the bill addresses is the lack of data and information on the causes of and contributing factors to crashes involving commercial motor vehicles, specifically for-profit commercial passenger vans, regardless of where they originate. We have provided the DOT with the resources and guidance to complete a comprehensive study on this issue. It is my hope that this national study will give special attention to metropolitan areas like northern New Jersey. I want to thank Mr. SHUSTER, and the Ranking Member, Mr. OBERSTAR, on these two important provisions which will lead to safer travel for all those who use our roads.

Mr. PETRI. Mr. Speaker, H.R. 3419—the Motor Carrier Safety Improvement Act of 1999—is a comprehensive bill that will improve truck and bus safety by strengthening Federal and State safety programs.

The bill creates a new Federal Motor Carrier Safety Administration within the U.S. Department of Transportation (DOT) on January 1, 2000; increases funding from the Highway Trust Fund for Federal and State safety efforts; and, closes loopholes in the Commercial Driver’s License (CDL) program. For example, the bill gives the Secretary emergency authority to revoke the license of a truck or bus driver found to constitute an imminent hazard.

The Federal Motor Carrier Safety Administration is given increased funding for safety to allow for growth in the number of safety inspectors and in safety research.

The bill guarantees $195 million over the next three years from the Highway Trust Fund for motor carrier safety grants. These grants fund State safety enforcement efforts. The bill also contains a number of programmatic reforms, including the closing of loopholes in the Commercial Driver’s License, setting standards for fines, and improving border safety efforts.

I am submitting a Joint Explanatory Statement on the bill that explains the provisions of the bill in more detail.

It is critical that Congress enact this legislation before the end of the session since trucking safety functions of the Department are temporarily housed in the Office of the Secretary.

If we don’t pass this legislation, I am afraid that this organizational limbo will continue.

The bill is very similar to the bill that passed the House by a vote of 415 to 5, which had bipartisan support in Committee.

This is an important bill, that truly will improve highway safety. I urge passage of this legislation.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection. The Clerk read the Senate bill, as follows:

H.R. 3419

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Motor Carrier Safety Improvement Act of 1999.”

(b) TABLE OF CONTENTS.—

Sec. 1. Short title. Table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Purposes.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

(7) Meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries, and fatalities.

(8) Focused justification of the need for federal resources is essential to the Department's ability to improve its research, rulemaking, oversight, and enforcement activities related to commercial motor carriers, operators, and carriers.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to improve the administration of the Federal motor carrier safety program and to establish the Federal Motor Carrier Safety Administration in the Department of Transportation;

(2) to reduce the number and severity of large-truck involved crashes through more commercial motor vehicle and operator inspections and motor carrier compliance reviews, stronger enforcement measures against violators, expedited completion of rulemaking proceedings, scientifically sound research, and effective commercial driver's license testing, recordkeeping and sanctions.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

§ 113. Federal Motor Carrier Safety Administration

(a) IN GENERAL.—The Federal Motor Carrier Safety Administration shall be an administration of the Department of Transportation.

(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.

(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, and by and with the advice and consent of the Senate, and shall be an individual with professional experience in motor carrier safety. The Administrator shall report directly to the Secretary of Transportation.

(d) DEPUTY ADMINISTRATOR.—The Administrator shall have a Deputy Administrator who shall be appointed by the Secretary, with the approval of the President. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

(e) CHIEF SAFETY OFFICER.—The Administration shall have an Assistant Federal Motor Carrier Safety Administrator who shall be appointed by the Secretary, with the approval of the President. The Chief Safety Officer shall be the Chief Safety Officer of the Administration, and shall carry out duties and powers prescribed by the Administrator.

(f) POWERS AND DUTIES.—The Administrator shall carry out—

"(1) duties and powers related to motor carriers or motor carrier safety vested in the Secretary by sections 51, 55, 57, 59, 133 through 138, and 177 and by section 18 of the Noise Control Act of 1972 (42 U.S.C. 4917; 86 Stat. 1249-1250); except as otherwise delegated by the Secretary to any agency or instrumentality of the United States other than the Federal Highway Administration, as of October 8, 1999; and

"(2) additional duties and powers prescribed by the Secretary.

(g) LIMITATION ON TRANSFER OF POWERS AND DUTIES.—A duty or power specified in subsection (f)(1) may only be transferred to another part of the Department when specifically provided by law.

(h) EFFECT OF CERTAIN DECISIONS.—A decision by the President involving the transfer of a duty or power specified in subsection (f)(1) and involving notice and hearing required by law is administratively final.

(1) CONCEPTUAL.—The Administrator shall consult with the Federal Highway Administrator and with the National Highway Traffic Safety Administrator on matters relating to the Federal motor carrier safety.

(b) ADMINISTRATIVE EXPENSES.—Section 104(a)(1) of title 23, United States Code, is amended—

(1) in paragraph (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving the text of such clauses 2 ems to the right;

(2) in paragraph (3) by striking "exceed 1½ percent of all sums so made available, as the Secretary determines necessary," and inserting "exceed 1½ percent of all sums so made available, as the Secretary determines necessary;";

(3) by striking the period at the end of paragraph (1)(A)(ii) (as redesignated by paragraphs (1) and (2) of this subsection) and inserting "; and" and the following:

"(B) 1/3 of 1 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research;";

and

(4) by adding at the end the following:

"(4) LIMITATION ON TRANSFERABILITY.—Unless expressly authorized by law, the Secretary may not transfer any sums deducted under paragraph (1) to a Federal agency or entity other than the Federal Highway Administration and the Federal Motor Carrier Safety Administration.

(c) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"113. Federal Motor Carrier Safety Administration."

(2) FEDERAL HIGHWAY ADMINISTRATION.—Section 104 of title 49, United States Code, is amended—

(A) in subsection (c)—

(i) by striking the semicolon at the end of paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2);

(B) by striking subsection (d); and

(C) by redesigning subsection (e) as subsection (d).

(d) POSITIONS IN EXECUTIVE SERVICE.—

(1) Appointment.—Section 533 of title 5, United States Code, is amended by inserting after "Administrator of the National Highway Traffic Safety Administration," the following:

"Administrator of the Federal Motor Carrier Safety Administration."

(2) DEPUTY AND ASSISTANT ADMINISTRATORS.—Section 5316 of title 5, United States Code, is amended by inserting after "Administrator of the National Highway Traffic Safety Administration," the following:

"Administrator of the Federal Motor Carrier Safety Administration."

(3) ASSISTANT ADMINISTRATOR.—Section 5317 of title 5, United States Code, is amended by inserting after "Federal Motor Carrier Safety Administrator," the following:

"Assistant Federal Motor Carrier Safety Administrator."

(e) PERSONNEL LEVELS.—The number of personnel positions at the Office of Motor Carrier Safety (formerly the Office of Carrier Safety, on January 1, 2000, the Federal Motor Carrier Safety Administration) at its headquarters location in fiscal year 2000 shall not be increased above the level transferred from the Federal Highway Administration to the Office of Motor Carrier Safety. The Secretary shall provide adequate justification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for the personnel levels for fiscal years 2001, 2002, and 2003 for the Federal Motor Carrier Safety Administrator when the President submits his budget for such fiscal year.

(f) AUTHORITY TO PROMULGATE SAFETY STANDARDS FOR RETROFITTING.—The authority under title 49, United States Code, to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary and may be delegated.

(g) CONFLICTS OF INTEREST.—

(1) COMPLIANCE WITH REGULATION.—In awarding any contract for research, the Secretary shall comply with section 125.209-70 of title 48, Code of Federal Regulations, as in effect on the date of enactment of this Act. The Secretary shall request that the text of such section be included in any request for proposal and contract for research made by the Secretary.

(2) STUDY.—

(a) IN GENERAL.—The Secretary shall conduct a study to determine whether or not compliance with the section referred to in paragraph (1) is sufficient to avoid conflicts of interest in contracts for research awarded by the Secretary and to evaluate whether or not compliance with such section unreasonably delays or burdens the awarding of such contracts.

(b) CONSULTATION.—In conducting the study under this paragraph, the Secretary shall consult, as appropriate, with the Inspector General of the Department of Transportation, the Comptroller General, the heads of other Federal agencies, research organizations, industry representatives, employee organizations, safety organizations, and other entities.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study conducted under this paragraph.

SEC. 102. REVENUE ALIGNED BUDGET AUTHORITY.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended—

(1) by redesigning the first section 110, relating to uniform transferability of Federal-aid highway funds, as section 126 and moving and inserting such section after section 125 of such chapter;

(2) in the remaining section 110, relating to revenue aligned budget authority—

(A) in subsection (a)(2) by inserting "and the motor carrier safety grant program after "relief";" and

(B) in subsection (b)(1)(A)—

(i) by inserting "and the motor carrier safety grant program" after "program"; and

(ii) by striking "title" and inserting "title;" and

(iii) by striking "," and inserting " and";

and

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended—

(1) by striking "110. Uniform transferability of Federal-aid highway funds.";

(2) by inserting after the item relating to section 125 the following:

(3) by striking "110. Uniform transferability of Federal-aid highway funds.";

(4) by inserting after the item relating to section 125 the following:
"126. Uniform transferability of Federal-aid highway funds."

(a) NUMERATION OF FUNDING FOR MOTOR CARRIER SAFETY PROGRAM.

(1) IN GENERAL.—Section 103 of the Transportation Equity Act for the 21st Century (122 Stat. 395-396) is amended by adding at the end the following:

"(l) Increased Authorizations for Motor Carrier Safety Grants.—The amount made available to incur obligations to carry out section 3102 of title 49, United States Code, by section 3104(a) of such title for each of fiscal years 2001 through 2003 shall be increased by $65,000,000."

(b) COMPLIANCE.—If a State is not in substantial compliance with the State's obligations imposed by subsection (a) for any fiscal year beginning after 1999, and the Secretary determines that the State is in substantial compliance with each requirement of section 3131 of title 49, United States Code, the Secretary shall allocate to the State the withheld funds.

(c) EFFECT OF NONCOMPLIANCE.—If, on June 30 of the fiscal year in which funds are withheld under paragraph (1), the State is not substantially complying with each requirement of section 3131 of title 49, United States Code, the funds are released to the Secretary for reallocation.

(d) EFFECT OF NONCOMPLIANCE.—(1) If, on June 30 of any fiscal year in which funds are withheld under paragraph (1), the State is not substantially complying with any requirement of section 3131, the funds are released to the Secretary for reallocation.

(e) STATE COMPLIANCE WITH CDL REQUIREMENTS.

(1) WITHHOLDING OF ALLOCATION FOR NONCOMPLIANCE.—If a State is not in substantial compliance with each requirement of section 3131 of title 49, United States Code, the Secretary shall withhold all amounts that would be allocated, but for this paragraph, to the State from funds made available by or under this section (including any amendment made by this section).

(2) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under paragraph (1) from any State shall remain available until June 30 of the fiscal year for which the funds are authorized to be appropriated.

(3) ALLOCATION OF WITHHELD FUNDS AFTER COMPLIANCE.—Before the last day of the period for which funds are withheld under paragraph (1) from any State, the Secretary shall determine that the State is in substantial compliance with each requirement of section 3131 of title 49, United States Code, the Secretary shall allocate to the State the withheld funds.

(4) PERIOD OF AVAILABILITY OF SUBSEQUENTLY ALLOCATED FUNDS.—Any funds allocated under paragraph (3) shall remain available for expenditure until the last day of the fiscal year following the fiscal year in which the funds are so allocated.

(f) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.

(1) IN GENERAL.—Section 403 of the Transportation Equity Act for the 21st Century (122 Stat. 395-396) is amended by adding at the end the following:

"(l) Increased Authorizations for Motor Carrier Safety Grants.—The amount made available to incur obligations to carry out section 3102 of title 49, United States Code, by section 3104(a) of such title for each of fiscal years 2001 through 2003 shall be increased by $65,000,000."
by rulemakings under consideration by the Department of Transportation. Representatives of a single interest group may not constitute a majority of the members of the advisory committee.

(c) FUNCTION.—The advisory committee shall provide advice to the Secretary on commercial motor vehicle safety regulations and other issues relating to activities reflected in the functions of the Federal Motor Carrier Safety Administration by this Act.

(d) TERMINATION DATE.—The advisory committee shall continue to exist until September 30, 2003.

SEC. 106. SAVINGS PROVISION.

(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided, all property, personnel, records, and other assets transferred by this Act shall continue to be administered by the agencies administering the assets transferred by this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Federal Motor Carrier Safety Administration by this Act shall be transferred to the Administration for use in connection with the functions transferred, and unexpended balances of appropriations, allocations, and other funds of the Office of Motor Carrier Safety (including any predecessor entity) shall also be transferred to the Administration.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, contracts, settlements, agreements, documents, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Office, any officer or employee of the Office, or any document of or pertaining to the Office shall have the same effect as if this Act had not been enacted; and

(2) that are in effect on the effective date of this Act shall take effect on the effective date of this Act; except as provided in paragraphs (3) and (4) of this section.

(c) PROCEEDINGS.—

(1) that have been issued, made, granted, or allowed to become effective by the Office, any officer or employee of the Office, or any document of or pertaining to the Office shall have the same effect as if this Act had not been enacted; and

(2) that are in effect on the effective date of this Act shall take effect on the effective date of this Act; except as provided in paragraphs (3) and (4) of this section.

(d) SUITS.—Any suit by or against the Office before January 1, 2000, shall continue, insofar as it involves a function retained and transferred under this Act, with the Administration (to the extent the suit involves a function transferred under this Act) substituted for the Office.

(e) REMANDED CASES.—If the court in a suit described in paragraph (d) remands a case to the Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as if in effect at the time of such subsequent proceedings.

(f) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No action, suit, or proceeding commenced by or against any officer in his official capacity as an officer of the Office shall abate by reason of the enactment of this Act, the amendments made by this Act, or the amendments made by the amendments made by this Act.

(g) REFERENCES.—Any reference to the Office in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Office or an officer or employee of the Office is deemed to refer to the Administration, and any officer or employee of the Administration is deemed to be a member or employee of the Administration, as appropriate.

SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this Act shall take effect on the date of enactment of this Act; except that the amendments made by section 101 shall take effect on January 1, 2000.

(b) BUDGET ESTIMATES.—The President's budget submission for fiscal year 2001 and each fiscal year thereafter shall reflect the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

SEC. 201. DISQUALIFICATIONS.

(a) Driving While Disqualified and Causing a Fatality.—

(1) First Violation.—Section 31303(b)(1) of title 49, United States Code, is amended—

(A) by striking ‘‘or’’ at the end of subparagraph (B);

(B) by striking the period at the end of paragraph (1) and inserting ‘‘; and’’; and

(C) by adding at the end the following:

‘‘(2) Second and multiple violations.—Section 31303(b)(1) of title 49, United States Code, is amended—

(A) by striking ‘‘or’’ at the end of subparagraph (C); and

(b) by redesigning subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following:

‘‘(3) Conforming amendment.—Section 31301(12)(C) of title 49, United States Code, is amended by inserting ‘‘; other than a violation to which section 31301(b)(1)(E) or 31301(c)(1)(E) applies’’ after ‘‘fatality’’. ‘‘

(b) Emergency Disqualification; Noncommercial Motor Vehicle Convictions.—Section 31310 of such title is amended—

(1) by redesigning subsections (f), (g), and (h) as subsections (h), (i), and (j), respectively;

(2) by inserting after subsection (e) the following:

‘‘(f) Emergency Disqualification.—

(1) Limited duration.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for not exceeding 30 days if the Secretary determines, after notice and an opportunity for a hearing, that the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

(2) After notice and hearing.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for more than 30 days if the Secretary determines, after notice and an opportunity for a hearing, that the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

(g) Noncommercial Motor Vehicle Convictions.—

(1) Issuance of regulations.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations providing for the disqualification by the Secretary from operating a commercial motor vehicle of an individual who holds a commercial driver’s license and who has been convicted of—

(A) a serious offense involving a motor vehicle (other than a commercial motor vehicle) that has resulted in the revocation, cancellation, or suspension of the individual’s license; or

(B) a drug or alcohol related offense involving a motor vehicle (other than a commercial motor vehicle); and

(2) Requirements for regulations.—Regulations issued under paragraph (1) shall establish the minimum periods for which the disqualifications shall be in effect, but in no case shall the time periods for disqualification for noncommercial motor vehicle violations be more stringent than those for commercial motor vehicle violations involving a commercial motor vehicle. The Secretary shall determine such periods based on the serious nature of the offenses on which the convictions are based.

(3) In subsection (h) (as redesignated by paragraph (1) of this subsection) by striking ‘‘(b–(e)) each place it appears and inserting ‘‘(b–(e)) and the following:’’; and

(c) Serious Traffic Violations.—Section 31330 of such title is amended—

Dramatically redrew the paragraph structure, improved sentence flow, and standardized capitalization for uniformity.
"(D) driving a commercial motor vehicle when the individual has not obtained a commercial driver’s license; and

"(E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver’s license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation evidence that the individual held a valid commercial driver’s license on the date of the citation;

"(F) driving a commercial motor vehicle when the individual has not met the minimum testing standards—

"(i) under section 31305(a)(3) for the specific class of vehicle the individual is operating; or

"(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and

"(d) Conforming Amendments.—Section 31305(b)(1) of such title is amended—

(1) by striking ‘‘to operate the vehicle’’; and

(2) by inserting before the period at the end the following:

31305(b)(1) of such title is amended—

"(B) The State may not issue a special license to an individual domiciled in a State that is prohibited from issuing a commercial driver’s license to an individual who has a commercial driver’s license.

"(F) driving a commercial motor vehicle (except a parking violation) each violation of a State or local motor vehicle traffic control law while operating a motor vehicle (except a parking violation), not later than 10 days after the receipt of such information or the date of such violation, as the case may be. The Secretary may not allow information regarding such violations for any period that exceeded by 10 days the period during which the State made the determination that there was substantial noncompliance with this chapter. The Secretary may provide an opportunity for review in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

"(2) Permission for Operations.—A person domiciled in a country contiguous to the United States with which there is a reciprocal licensing arrangement and a person domiciled in a country contiguous to the United States with which there is not a reciprocal licensing arrangement may operate in the United States a commercial motor vehicle without a commercial driver’s license issued by another State, the State in which the violation occurred shall notify a State official designated by the United States of the violation not later than 10 days after the date the individual is found to have committed the violation.

"(d) Provisional Licenses.—Section 31311(a)(10) of such title is amended—

(1) by striking ‘‘10(a); and

(2) by adding at the end the following:

‘‘(B) The State may not issue a special license or permit (including a provisional or temporary license) to an individual who holds a commercial driver’s license that permits the individual to drive a commercial motor vehicle during a period in which—

(i) the individual is disqualified from operating a commercial motor vehicle; and

(ii) the individual’s driver’s license is revoked, suspended, or canceled.’’;

(e) Penalties.—Section 31311(a)(13) of such title is amended—

(1) by inserting ‘‘consistent with this chapter that’’ after ‘‘penalties’’; and

(2) by striking ‘‘vehicle’’ the first place it appears and all that follows through the period at the end and inserting ‘‘vehicle’’.

(f) Records of Violations.—Section 31311(a) of such title is amended by adding at the end the following:

‘‘(18) The State shall maintain, as part of its driver information system, a record of each violation of a State or local motor vehicle traffic control law while operating a commercial motor vehicle (except a parking violation) for each individual who holds a commercial driver’s license. The record shall be available upon request of the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.

‘‘(g) Masking.—Section 31311(a) of such title is further amended by adding at the end the following:

‘‘(19) The State shall—

‘‘(A) record in the driving record of an individual who has a commercial driver’s license issued by the State; and

‘‘(B) make available to all authorized persons and governmental entities having access to such record, all information the State receives under paragraph (9) with respect to the individual and every individual involved in an accident involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such violation, as the case may be. The Secretary may not allow information regarding such violations for any period that exceeded by 10 days the period during which the State determined that there was substantial compliance with this chapter.

‘‘(h) Noncommercial Motor Vehicle Conversions.—Section 31311(a) of such title is further amended by adding at the end the following:

‘‘(20) The State shall revoke, suspend, or cancel the commercial driver’s license of an individual in accordance with regulations issued by the Secretary to carry out section 31309(g).’’.

SEC. 203. STATE NONCOMPLIANCE.

(a) in General.—Chapter 313 of title 49, United States Code is amended by inserting after section 31311 the following:

‘‘§ 31312. Decertification authority

‘‘(a) in General.—If the Secretary of Transportation determines that a State is in substantial noncompliance with this chapter, the Secretary shall issue an order—

(1) prohibiting the State from carrying out licensing procedures under this chapter; and

(2) prohibiting that State from issuing any commercial driver’s licenses until such time as the Secretary determines such State is in substantial compliance with this chapter.

‘‘(b) Effect on Other States.—A State (other than a subject to an order under subsection (a)) may not issue a commercial driver’s license to an individual domiciled in a State that is prohibited from issuing such licenses under subsection (a) if that individual fails to meet the requirements of this chapter and the nonresident licensing requirements of the issuing State.

‘‘(c) Previously Issued Licenses.—Nothing in this section shall be construed as invalidating or disqualifying any license or registration of any person who, on the date of issuance of this order, held a license or registration of any person who, on the date of issuance of this order, held a commercial driver’s license issued by a State before the date of issuance of an order under subsection (a) with respect to the State.

‘‘(b) Conforming Amendment.—The chapter analysis for chapter 313 of such title is amended by inserting after the item relating to section 31311 the following:

31312. Decertification authority.’’.

SEC. 204. CHECKS BEFORE ISSUANCE OF TRUCKER’S LICENSES.

Section 3004 of title 49, United States Code, is amended by adding at the end the following:

‘‘(e) Driver Record Inquiry.—Before issuing a motor vehicle operator’s license to an individual or renewal of such license, a State shall request from the Secretary information from the National Driver Register under section 3002 and the commercial driver’s license information under section 31309 on the individual’s driving record.’’.

SEC. 205. REGISTRATION ENFORCEMENT.

Section 1302 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

‘‘(e) Penalties for Failure to Comply with Registration Requirements.—In addition to other penalties available under law, motor carriers that fail to register their operations as required by this section or that operate beyond the scope of their registration may be subject to the following penalties:

‘‘(1) Out-of-Service Orders.—If, upon inspection or investigation, the Secretary determines that a motor vehicle providing transportation requiring registration under this chapter is operating without a registration or beyond the scope of its registration, the Secretary may order the vehicle out of service. Subsequent to the issuance of the out-of-service order, the Secretary shall provide an opportunity for review in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

‘‘(2) Permission for Operations.—A person domiciled in a country contiguous to the United States with respect to which an inspection or investigation under subsection (a)(1) is in effect and providing transportation for which registration is required under this section shall maintain evidence of such registration in the motor vehicle when the person is providing the transportation. The Secretary shall not permit the operation in interstate commerce in the United States of a commercial motor vehicle in which there is not a copy of the registration issued pursuant to this section.’’.

SEC. 206. DELINQUENT PAYMENT OF PENALTIES. REGISTRATION OF PENALTIES.

Section 13005(c) of title 49, United States Code is amended—

(1) by inserting ‘‘(1) in general.—’’ before ‘‘On payment’’;

(2) by inserting ‘‘(A)’’ before ‘‘suspend’’;

(3) by striking the period at the end of the second sentence and inserting ‘‘;’’; and

(B) suspend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder (i) for failure to pay a civil penalty imposed under chapter 5, 51, 149, or 331 of this title; or (ii) for failure to arrange and abide by an acceptable payment plan for such civil penalty, within 90 days of the time specified by order of the Secretary for the payment of such penalty; and paragraph (B) shall not apply to any person who is unable to pay a civil penalty because such person is a debtor in a case under chapter 11 of title 11.

‘‘(c) Filing of Penalty. —Within 12 months after the date of the enactment of this paragraph, the Secretary, after notice and opportunity for public comment, shall promulgate regulations to provide for the suspension, amendment, or revocation of a registration under this part for failure to pay a civil penalty as provided in paragraph (1)(B).’’.

(4) by indenting paragraph (1) (as designated by paragraph (1) of this section) and
aligning such paragraph with paragraph (2) of such section (as added by paragraph (3) of this section).

(b) Prohibited Transportation by Commercial Motor Vehicle Operators.—Section 31134(f) of title 49, United States Code, is amended by adding at the end thereof the following:

(1) The Secretary shall phase in requirements for the certification of motor carrier safety auditors.

(2) No operator shall be required to maintain a motor carrier safety auditor until 1 year after the date of enactment of this Act.

(c) Safety Reviews of New Operators.—

(1) The Secretary shall conduct safety reviews of new operators to determine whether they are capable of operating in interstate commerce. The Secretary shall conduct such safety reviews before granting new operating authority, or at any other time that the Secretary determines is necessary to ensure the safety of interstate commerce.

SEC. 210. NEW MOTOR CARRIER ENTRANT REQUIREMENTS.

(a) Safety Reviews.—Section 31144 of title 49, United States Code, is amended by adding at the end thereof the following:

(1) The Secretary shall conduct safety reviews of new operators to determine whether they are capable of operating in interstate commerce. The Secretary shall conduct such safety reviews before granting new operating authority, or at any other time that the Secretary determines is necessary to ensure the safety of interstate commerce.

SEC. 211. CERTIFICATION OF SAFETY AUDITORS.

(a) General.—Section 31148 of title 49, United States Code, is amended by inserting "motor carrier safety auditors" in lieu of "motor carrier safety auditors" each time it appears.

(b) Certification.—The Secretary shall certify motor carrier safety auditors in accordance with the requirements prescribed by this Act.

(c) IMPORTANT HAZARD.—The Secretary shall conduct a study of the effectiveness of the enforcement of the Section 31102(b)(1) of title 49, United States Code, as amended—

(1) by aligning such paragraph with paragraph (2) of such section; and

(2) by striking subparagraph (R) and inserting the following:

"(R) ensures that the State will cooperate in the enforcement of registration requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;".

SEC. 208. IMMINENT HAZARD.

Section 312(b)(5) of title 49, United States Code, as included by striking "", including all that follows through "" and inserting "", except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder;".

(b) Arbitration Requirements.—Section 1470(b)(6) of such title is amended by striking "$1,000" each time it appears and inserting "$500".

(c) Study of Enforcement of Consumer Protection Rules in the Household Goods Moving Industry.—The Comptroller General shall conduct a study of the effectiveness of the enforcement of the Section 31102(b)(1) of title 49, United States Code, as amended—

(1) by eliminating such paragraph; and

(2) by striking subparagraph (R) and inserting the following:

"(R) ensures that the State will cooperate in the enforcement of registration requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;".

SEC. 209. HOUSEHOLD GOODS AMENDMENTS.

(a) Definition of Household Goods.—Section 3102(10) of title 49, United States Code, is amended by striking ": including all that follows through "dwellings," and inserting "including all that follows through "dwellings," except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder;".

(b) Arbitration Requirements.—Section 1470(b)(6) of such title is amended by striking "$1,000" each time it appears and inserting "$500".

(c) Study of Enforcement of Consumer Protection Rules in the Household Goods Moving Industry.—The Comptroller General shall conduct a study of the effectiveness of the enforcement of the Section 31102(b)(1) of title 49, United States Code, as amended—

(1) by eliminating such paragraph; and

(2) by striking subparagraph (R) and inserting the following:

"(R) ensures that the State will cooperate in the enforcement of registration requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;".

SEC. 212. COMMERCIAL VAN RULEMAKING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study of the effectiveness of the enforcement of the Section 31102(b)(1) of title 49, United States Code, as amended—

(1) by eliminating such paragraph; and

(2) by striking subparagraph (R) and inserting the following:

"(R) ensures that the State will cooperate in the enforcement of registration requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;".

SEC. 213. 24-HOUR STAFFING OF TELEPHONE SYSTEMS.

Section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413) is amended—

(1) by redesigning subsections (c) and (d) and redesigning paragraph (7) thereof; and

(2) by striking paragraph (10) of such section.

SEC. 214. CDL SCHOOL BUS ENDORSEMENT.

(a) General.—Section 31148 of title 49, United States Code, is amended by striking "motor carrier safety auditors" in each place it appears and inserting "certified motor carrier safety auditors.".

(b) Certification.—The Secretary shall certify motor carrier safety auditors in accordance with the requirements prescribed by this Act.

(c) Extension.—If the Secretary determines that subsection (b) cannot be implemented within the first 18 months after the date of enactment of this Act, the Secretary shall extend the deadline for implementation.

SEC. 215. MEDICAL CERTIFICATE.

The Secretary shall conduct a study of the effectiveness of the enforcement of the Section 31102(b)(1) of title 49, United States Code, as amended—

(1) by eliminating such paragraph; and

(2) by striking subparagraph (R) and inserting the following:

"(R) ensures that the State will cooperate in the enforcement of registration requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;".

SEC. 216. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) General.—The Secretary shall implement the safety improvement recommendations provided for in the Inspector General's report on the implementation of the Secretary's recommendations.
Report TR-1999-091, except to the extent that such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act, including any amendments made by such sections.

(1) REPORTS TO CONGRESS.—

(2) REPORTS BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(3) LIMITATION.—If the Secretary makes a designation pursuant to paragraph (1) for a fiscal year, the Secretary may not make such a designation under section 31311(a) of title 49, United States Code, for such fiscal year.

SEC. 219. FOREIGN MOTOR CARRIER PENALTIES AND DISQUALIFICATIONS.

(a) GENERAL RULE.—Subject to subsections (b) and (c), a foreign motor carrier or foreign motor private carrier (as such terms are defined under section 13902(e) of title 49, United States Code) that operates without authority, before the implementation of the land transportation provisions of the North American Free Trade Agreement, outside the boundaries of a commercial zone along the United States-Mexico border shall be liable to the United States for a civil penalty and shall be disqualified from operating a commercial motor vehicle anywhere within the United States as provided in subsections (b) and (c).

(b) PENALTY FOR INTENTIONAL VIOLATION.—The civil penalty for an intentional violation of subsection (a) by a carrier shall not be more than $10,000 and may include a disqualification from operating a commercial motor vehicle anywhere within the United States for a period of not more than 6 months.

(c) PENALTY FOR PATTERN OF INTENTIONAL VIOLATIONS.—The civil penalty for a pattern of intentional violations of subsection (a) by a carrier shall not be more than $25,000 and may include a disqualification from operating a commercial motor vehicle anywhere within the United States and the disqualification may pertain to a motor carrier, a commercial motor vehicle, or a commercial motor vehicle carrier.

SEC. 220. STUDY OF COMMERCIAL MOTOR VEHICLE SAFETY ENFORCEMENT PROGRAMS.

The Secretary shall periodically transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the implementation of this Act.

SEC. 221. MINIMUM AND MAXIMUM ASSESSMENTS.

(a) IN GENERAL.—The Secretary of Transportation shall ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(b) ESTABLISHMENT.—The Secretary—

(1) shall establish and assess minimum civil penalties for each violation of a law referred to in subsection (a); and

(2) shall assess the maximum civil penalty for each violation of a law referred to in subsection (a) by any person who has been found to have committed a pattern of violations of critical or acute regulations issued to carry out such a law or to have previously committed the same or similar violation under such critical or acute regulations issued to carry out such a law.

(c) EXTRAORDINARY CIRCUMSTANCES.—If the Secretary determines and documents that extraordinary circumstances exist which merit the assessment of any civil penalty lower than any level established under subsection (b), the Secretary may establish or assess a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(2) SUBMISSION TO CONGRESS.—The Secretary shall transmit the results of such study and any recommendations to Congress by September 30, 2000.


Not later than May 25, 2000, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Department of Transportation's quantitative progress toward reducing motor carrier fatalities by 50 percent by the year 2000.


(2) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report not later than 1 year after the date of enactment of this Act, on any recommendations made by the Department of Transportation and the States' ability to—

(1) evaluate crashes involving commercial motor vehicles;

(2) monitor crash trends and identify causes and contributing factors; and
(3) develop effective safety improvement policies and programs.

(b) Design.—The study shall be designed to yield information that will help the Department and the States identify activities and other measures likely to lead to significant reductions in the frequency, severity, and rate per mile traveled of crashes involving commercial motor vehicles, including vehicles described in section 31323(1)(B) of title 49, United States Code. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented.

(c) Consultation.—In designing and conducting the study, the Secretary shall consult with:

(1) crash causation and prevention;

(2) commercial motor vehicles, drivers, and carriers, including passenger carriers;

(3) highways and noncommercial motor vehicles and drivers;

(4) Federal and State highway and motor carrier safety programs;

(5) research methods and statistical analysis; and

(6) other relevant topics.

(d) Public Comment.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(e) Reports.—

(1) In General.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

(2) Review and Update.—The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

(f) Funding.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 104(b)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 395–398), as added by section 103(b)(1) of this Act, $5,000,000 per fiscal year shall be available only to carry out this section.

SEC. 225. DATA COLLECTION AND ANALYSIS.

(a) In General.—The Secretary shall study the collection and analysis of data on crashes, including crash causation, involving commercial motor vehicles.

(b) Program Administration.—The Secretary shall administer the program through the National Highway Traffic Safety Administration in cooperation with the Federal Motor Carrier Safety Administration. The National Highway Traffic Safety Administration shall—

(1) enter into agreements with the States to collect data and report the data by electronic means to a central data repository; and

(2) train State employees and motor carrier safety enforcement officials to assure the quality and uniformity of the data.

(c) Existing Agreements.—Section 13703(e) of title 49, United States Code, shall—

(1) integrate the data, including driver citation and conviction information; and

(2) make the data base available electronically to the Federal Motor Carrier Safety Administration, the States, motor carriers, and other interested parties for problem identification, program evaluation, planning, and other safety-related activities.

(d) Report.—Not later than 3 years after the date on which the improved data program is implemented, the Secretary shall transmit a report to Congress on the program, together with any recommendations the Secretary finds appropriate.

(e) Funding.—Of the amounts deducted under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(f) Additional Funding for Information Systems.—

(1) In General.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 104(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 395–398), as added by section 103(b)(1) of this Act, $5,000,000 per fiscal year shall be available only to carry out section 3106 of title 49, United States Code.

(2) Amounts as Additional.—The amounts made available by paragraph (1) shall be in addition to amounts made available under section 3106 of title 49, United States Code.

SEC. 226. DRUG TEST RESULTS STUDY.

(a) In General.—The Secretary shall conduct a study of the feasibility and merits of—

(1) requiring medical review officers or employers to test all verified positive controlled substances test results on any driver subject to controlled substances testing under part 382 of title 49, Code of Federal Regulations, including the identity of each person tested and each controlled substance found, to the owner or operator of the driver's commercial driver's license; and

(2) requiring all prospective employers, before hiring any driver, to query the Secretary that issued the driver's license on whether the State has on record any positive controlled substances test on such driver.

(b) Study Periods.—In carrying out the study under this section, the Secretary shall—

(1) methods for safeguarding the confidentiality of verified positive controlled substances test results;

(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive controlled substances test results; and

(3) whether a process should be established to allow drivers—

(A) to correct errors in their records; and

(B) to expunge information from their records after a reasonable period of time.

(c) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section, together with any recommendations as the Secretary determines appropriate.

SEC. 227. APPROVAL OF AGREEMENTS.

(a) Review.—Section 312(c) of title 49, United States Code, shall—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(2) by striking “The Board” and inserting the following:

“(I) IN GENERAL.—The Board”;

(3) by adding at the end the following:

“(2) PERIODIC REVIEW AGREEMENTS.—Subject to this section, in the 5-year period beginning on the date of enactment of this paragraph and in each 5-year period thereafter, the Board shall initiate a proceeding to review any agreement approved pursuant to this section. Any such agreement shall be continued unless the Board determines otherwise.”;

(4) by moving the remainder of the text of paragraph (1) (as designated by paragraph (2) of this subsection), including subparagraphs (A) through (D) designated by paragraph (1) of this subsection), 2 ems to the right.

(b) Limitation.—Section 31703(d) of such title is amended to read as follows:

“(d) Limitation.—The Board shall not take any action that would permit the establishment of nationwide collective ratemaking authority."

(c) Existing Agreements.—Section 31703(e) of such title is amended—

(1) by striking “Agreements” and inserting the following:

“(1) AGREEMENTS EXISTING AS OF DECEMBER 31, 1996—Agreements”;

(2) by adding at the end the following:

“(2) CASES PENDING AS OF DATE OF ENACTMENT.—Nothing in section 227 (other than subsection (b) of the Motor Carrier Safety Act of 2000, as added by section 1 of title I of the Transportation Equity Act for the 21st Century, August 1999) or any authorization of appropriation made by such section, shall be construed to affect any case brought under this section that is pending before the Board as of the date of enactment of this paragraph;”.

(3) by aligning the left margin of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) as added by paragraph (2) of this subsection.

SEC. 228. DOT AUTHORITY.

(a) In General.—The statutory authority of the Inspector General of the Department of Transportation includes authority to conduct, pursuant to Federal criminal statutes, investigations of allegations that a person or entity has engaged in fraudulent or other criminal activity relating to the programs and operations of the Department or its operating administrations.

(b) Regulated Entities.—The authority to conduct investigations referred to in subsection (a) extends to any person or entity subject to the laws and regulations of the Department or its operating administrations, whether or not they are recipients of funds from the Department or its operating administrations.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTINUING REPORTING REQUIREMENTS OF TITLE 25 OF TITLE 49, U.S.C., BEYOND DECEMBER 21, 1999

Mr. COBLE. Mr. Speaker, I ask unanimous consent to take from the Speaker pro tempore's table the Senate bill (S. 1769) to continue the reporting requirements of title 25 of title 49, United States Code, beyond December 21, 1999, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

Mr. COBLE. Mr. Speaker, the SPEAKER pro tempore, is there objection to the request of the gentleman from North Carolina? Mr. LOFGREN. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee, for a brief explanation of the bill.

Mr. COBLE. Mr. Speaker, I thank the gentlewoman from California (Ms. Lee), for yielding.

Mr. Speaker, the Federal Reports Elimination and Sunset Act of 1995 provided that all periodic reports provided to Congress will sunset on December 21, 1999, unless reauthorized by the Congress. The intent of the Act was to spur Congress to reexamine all the periodic reports it receives and eliminate the obsolete ones.

After careful review, the Committee on the Budget determined that about 40 reports out of the thousands of reports subject to sunset are required for the committee to perform its legislative and oversight duties.
Examples include the United States Department of Justice's annual report on crime statistics and the Immigration and Naturalization Service's annual statistical report.

The bill passed the House on the suspension calendar. The companion Senate bill adds two more reports which the Senate has asked to be continued. The motion which I will make will continue all the reports contained in the Senate bill and the two additional reports contained in the Senate bill into one bill and send it back to the Senate for passage and presentment to the President.

Ms. LOFGREN. Mr. Speaker, continuing to reserve the right to object, I would like to note that the Senate Act itself forces Congress to reexamine the usefulness of the reports. But, as the chairman has pointed out, there are some of these reports that are very important. And I am pleased to report that there has been a bipartisan effort to identify those very same reports the chair has mentioned today.

We believe, on a bipartisan basis, that the reports identified and preserved under this Act will continue to provide information important to legislative and to oversight processes and, in particular, that it will allow the Congress to make sure that privacy is protected. And for that reason, if no other, we do need to act today.

Mr. Speaker, I would like to add finally a note of thanks to the Committee's staff that worked on this measure, my own special counsel John Flannery; Cassandra Butts in the office of the minority leader, the gentleman from Missouri (Mr. GEPPARDT); and finally, the gentleman from Missouri (Mr. GEPPARDT) himself, who really was very passionate in making sure that the privacy issues that will be protected by this bill were brought to the forefront so that we could be here today on this bipartisan basis to make sure that this is enacted.

Mr. COBLE. Mr. Speaker, if the gentlewoman will continue to yield, I think she commented about staff. I want to add the name of Jim Wilon. Jim did great work on this matter, as well.

Ms. LOFGREN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1769
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SEC. 1. SHORT TITLE.
This Act may be cited as the "Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act".

SEC. 2. FINDINGS.
Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Director of the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of oral, wire, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1994, 4 years from the effective date of that Act.

(3) Due to the Federal Reports Elimination and Sunset Act of 1995, the Administrative Office of United States Courts is not required to submit the annual report described in section 2519(3) of title 18, United States Code, as of December 21, 1995.

SEC. 3. CONTINUED REPORTING REQUIREMENTS.
(a) CONTINUED REPORTING REQUIREMENTS.—Section 2519 of title 18, United States Code, is amended by adding at the end the following:

"(4) The reports required to be filed by subsection (3) are exempted from the term expiration of that Act."

(b) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66).".

SEC. 4. ENCRYPTION REPORTING REQUIREMENTS.
Section 2519(1)(b) of title 18, United States Code, is amended by striking "and (iv)" and inserting "(iv)".

SEC. 5. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.
Section 3212(b) of title 18, United States Code, is amended by striking the period and inserting ",", which report shall include information concerning—

(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

(2) the offense specified in the order or application, or extensions of an order;

(3) the number of investigations involved;

(4) the number and nature of the facilities affected; and

(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR H. R. 11006.
Mr. COBLE. Mr. Speaker, I offer an amendment in the nature of a substitute in section 3126 of title 18, United States Code, as follows:

The Clerk read the Senate bill, as follows:

S. 1312
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SEC. 1. EXEMPTION OF CERTAIN REPORTS.
(2) Section 102(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1998 (Public Law 105-85).

(3) Section 101 of the Counterdrug Appropria- tions Act, 1998 (Public Law 105-222).

(4) The reports required to be filed by subsection (a) shall be effective for the remainder of fiscal year 1997.

(5) Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997).


(7) The following provisions of the Immigration and Nationality Act: sections 103 (8 U.S.C. 1103), 207(c)(3) (8 U.S.C. 1157(c)(3)), 412(b) (8 U.S.C. 1522(b)), and 413 (8 U.S.C. 1523), and subsections (h), (i), (o), (q), and (r) of section 286 (8 U.S.C. 1356).


(10) Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255(c)).

(11) Section 203(b) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c-(b)).

(12) Section 801(e) of the Immigration Act of 1990 (29 U.S.C. 2920(e)).


(15) Section 201(b) of the Privacy Protection Act of 1990 (42 U.S.C. 1000a-11(b)).


(17) Section 13(a) of the Classified Information Protection Act (18 U.S.C. 1921).


(22) Section 105(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note).

SEC. 2. ENCRYPTION REPORTING REQUIREMENTS.
(a) Section 2519(2)(b) of title 18, United States Code, is amended by striking "and (iv)" and inserting "(iv)".

(b) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

SEC. 3. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.
Section 3216 of title 18, United States Code, is amended by striking the period and inserting ",", which report shall include information concerning—

(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

(2) the offense specified in the order or application, or extensions of an order;

(3) the number of investigations involved;

(4) the number and nature of the facilities affected; and

(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.

Note: The Report of the Chairman of the Committee of the Whole on the State of the Union is printed in the Congressional Record, page H12883.
agency making the application and the person authorizing the order.”

Mr. COBLE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

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

There was no objection.

The amendment in the nature of a substitute was agreed to.

The House was ordered to be read a third time, and passed.

The title of the Senate bill was amended so as to read:

“A bill to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes.”

A motion to reconsider was laid on the table.

DIGITAL THEFT DETERRENCE AND COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 3456) to amend statutory damages provisions of title 17, U.S. Code, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. Berman. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee, to just describe the legislation.

Mr. COBLE. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. COBLE. Mr. Speaker, H.R. 3456 is very similar to H.R. 1761, which was considered under suspension of the rules and agreed to by voice vote on August 2, 1999.

It makes significant improvements in the ability of the Copyright Act to deter copyright infringement by amending it to increase the statutory penalties for infringement. Copyright piracy, Mr. Speaker, is flourishing in the world. With the advanced technologies available and the fact that many computer users are either ignorant of the copyright laws or simply believe that they will not be caught or punished, the piracy trend will continue.

One way to combat this problem is to increase the statutory penalties for copyright infringement so that they will be an effective deterrent to this conduct.

Another significant aspect of H.R. 3456 addresses a problem on regarding the efficacy of prosecuting crimes against intellectual property. It instructs that within 120 days on enactment of this act or within 120 days after there is a sufficient number of voting members to constitute a quorum, the United States Sentencing Commission shall promulgate emergency guideline amendments to implement the sentencing mandate in the No Electronic Theft Act popularly known as the NET Act which became law in the 106th Congress.

It is vital that the United States recognizes intellectual property rights and provides strong protection and enforcement against violation of those rights.

This legislation, Mr. Speaker, makes significant and necessary improvements to the Copyright Act. The Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary support H.R. 3456 in a bipartisan manner, and I urge its adoption today.

If I may, Mr. Speaker, at this time I have one more bill and possibly two minutes. We did get a lot done. We did it, and I think we have realized accomplishments.

Mr. Speaker, I continue my reservation of objection, and I yield to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding.

While I was praising all my colleagues on the Judiciary and the subcommittee and, of course, intellectual property, inevitably omissions are committed and I inadvertently failed to recognize the distinguished gentleman from Michigan (Mr. Conyers), the ranking member of the full committee.

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

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3456

This Act may be cited as the “Digital Theft Deterrence and Copyright Damages Improvement Act of 1999.”

SEC. 1. SHORT TITLE.

This Act may be cited as the “Digital Theft Deterrence and Copyright Damages Improvement Act of 1999.”

SEC. 2. STATUTORY DAMAGES ENHANCEMENT.

Section 504(c) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “$500” and inserting “$750”;

and

(B) by striking “$20,000” and inserting “$30,000”;

and

(2) in paragraph (2), by striking “$100,000” and inserting “$300,000”.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Digital Theft Deterrence and Copyright Damages Improvement Act of 1999.”

SEC. 2. STATUTORY DAMAGES ENHANCEMENT.

Section 504(c) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “$500” and inserting “$750”;

and

(B) by striking “$20,000” and inserting “$30,000”;

and

(2) in paragraph (2), by striking “$100,000” and inserting “$300,000”. 
SEC. 3. SENTENCING COMMISSION GUIDELINES.
Within 120 days after the date of the enactment of this Act, or within 120 days after the first date on which there is a sufficient number of members of the Sentencing Commission to constitute a quorum, whichever is later, the Commission shall promulgate emergency guideline amendments to implement section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) in accordance with the procedures set forth in section 221(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 4. EFFECTIVE DATE.
The amendments made by section 2 shall apply to any action brought on or after the date of the enactment of this Act, regardless of the date on which the alleged activity that is the basis of the action occurred.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES CONDEMNING RECENT HATE CRIMES IN ILLINOIS AND INDIANA

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the resolution (H. Res. 254) expressing the sense of the House of Representatives condemning recent hate crimes in Illinois and Indiana, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 254

Whereas diversity and tolerance are essential principles of an open and free society;

Whereas all people deserve to be safe within their communities, free to live, work and worship without fear of violence and bigotry;

Whereas crimes motivated by hatred against African-Americans, Jews, Asian-Americans, or other groups undermine the fabric of our Nation;

Whereas the communities of Skokie, the West Rogers Park neighborhood of Chicago, Northbrook, and Urbana, Illinois, and Bloomington, Indiana, were terrorized by hate crimes over the Fourth of July weekend, a time when our Nation celebrates its commitment to freedom and liberty;

Whereas fear at the fabric of American society, leave scars on victims and their families, and weaken our sense of community and purpose;

Whereas Ricky Byrdsong, at age 43, was a loving husband and father, an inspiring community leader, and a former basketball coach at Northwestern University;

Whereas Ricky Byrdsong was a man of deep religious faith who touched the lives of countless people and whose death is mourned by his family, friends, and community, and by that nation;

Whereas Won-Jo yoon, at age 26, was the only son in a family of 6, and was soon to become a doctoral student in Economics at Indiana University; and

Whereas Won-Jo yoon was a man who, through his demeanor and firmly-held Christian beliefs, positively influenced those who knew him, and whose death is mourned by his family, friends, and community, and by the citizens of the United States and Korea; and

Whereas individuals who commit crimes based on hate and bigotry must be held responsible for their actions and must be stopped from spreading violence; Now, therefore, be it

Resolved, That the House of Representatives—
(1) condemn the senseless violence that occurred in Illinois and Indiana over the Fourth of July weekend;

(2) conveys its deepest sympathy to the victims and their families;

(3) condemns the culture of hate and the hate groups that foster such violent acts;

(4) commends the communities of Illinois and Indiana for uniting to condemn these acts of hate in their neighborhoods;

(5) commends the efforts of Federal, State, and local law enforcement officials; and

(6) reaffirms its commitment to a society that fully respects and protects all people, regardless of race, religion, or ethnicity.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT CHINESE GOVERNMENT SHOULD STOP PERSECUTION OF FAULK GONG PRACTITIONERS

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 218) expressing the sense of the Congress that the Government of the People's Republic of China should stop its persecution of Falun Gong practitioners, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. BROWN of Ohio. Mr. Speaker, I rise in strong support of this resolution which was introduced by my colleague on the Committee on International Relations and chairman of the Subcommittee on International Operations and Human Rights the gentleman from New Jersey (Mr. SMITH) and congratulate him on his good work.

The repression of religion in China is a serious threat to all that civilized people hold dear. If our government and other democracies around the world continue business as usual with such a regime, we will have only ourselves to blame for the ultimate consequences.

Accordingly, I urge my colleagues to support H. Con. Res. 218.

Mr. BROWN of Ohio. Mr. Speaker, further resolving the right to object, I rise in strong support of this resolution which was introduced by my colleague on the Committee on International Relations and chairman of the Subcommittee on International Operations and Human Rights the gentleman from New Jersey (Mr. SMITH) and congratulate him on his good work.

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eration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H. Con. Res. 218, calling on the People's Republic of China to stop persecuting Falun Gong practitioners, which was introduced by the distinguished gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH. Mr. Speaker, I rise on behalf of the Committee on International Operations and Human Rights and in strong support of the resolution before us today. The repression of religion in China is a serious threat to all that civilized people hold dear. If our government and other democracies around the world continue business as usual with such a regime, we will have only ourselves to blame for the ultimate consequences.

Accordingly, I urge my colleagues to support H. Con. Res. 218.

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Accordingly, I urge my colleagues to support H. Con. Res. 218.

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illustration why we need to radically alter our relations with that dictatorship. Because when Beijing decided to make practicing Falun Gong a capital offense, which is exactly what the rubber-stamp Chinese congress did before the very eyes of the members of the liberal internationalist faction of the very same political liberty that lets us stand here tonight and debate this resolution.

As I speak there are thousands of men and women in China who are being beaten and killed for choosing to believe in ideals we take for granted in this country, whether it is our faith in God, our right to vote or simply wanting to belong to Falun Gong. As we consider, Mr. Speaker, permanent NTR next year to China, let us ask ourselves what the Communist Chinese are doing to the Falun Gong.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Jersey (Mr. Smith).

Mr. Speaker, 2 weeks ago I introduced H. Con. Res. 218 which already has more than 70 bipartisan cosponsors, including some distinguished members of the Congress, including some on our committee, the gentleman from Nebraska (Mr. Brown); the gentleman from New Jersey (Mr. Smith); the gentleman from Connecticut (Mr. Gejdenson) on the minority side who were also cosponsors of that resolution introduced by the distinguished gentleman from New Jersey (Mr. Smith) with many other cosponsors was reported to the Subcommittee on Asia and Pacific Affairs (Mr. Lanatos) and the gentleman from Connecticut along with the gentleman from New York (Mr. Gilman) and other distinguished members of the Congress, including some on our committee, the Committee on International Relations, and we thought it was entirely appropriate that it was reported to the floor.

The gentleman from New Jersey has highlighted some of the concerns that obviously we have with the way the Falun Gong is being treated in China.

There was no objection. The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? There was no objection. The Clerk read the concurrent resolution, as follows:

H. CON. RES. 218

Whereas Falun Gong is a peaceful and nonviolent form of religious belief and practice with millions of adherents in China and elsewhere;

Whereas the Government of the People's Republic of China has forbidden Falun Gong practitioners to practice their religion in Tiananmen Square; and

Whereas this prohibition violates China's own Constitution as well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights;

Whereas thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice of Falun Gong and for appealing to the government for protection of their constitutional rights;

Whereas there are many credible reports of torture and other cruel, inhumane treatment of detained Falun Gong practitioners, including a report that a 42-year-old woman, Zhao Jinhua, was tortured to death by Chinese thugs; and

Whereas the People's Republic of China has enacted new criminal legislation that the
government’s official newspaper hailed as a “powerful new weapon to smash evil cultist organizations, especially Falun Gong”; Whereas some of the detained Falun Gong members have been charged with political offenses, such as violations of China’s vague “official state secrets” law, and under the new legislation Falun Gong practitioners will be charged with such offenses as murder, fraud, and endangering national security; Whereas other Falun Gong members have been sentenced to labor camps, apparently under administrative procedures allowing such sentences without trial; Whereas Chinese authorities in recent months have reportedly confiscated, burned, or otherwise destroyed millions of Falun Gong books and tapes; Whereas thousands of Falun Gong practitioners in China have lost their jobs and students have been expelled from schools for refusing to give up their beliefs; and Whereas the brutal crackdown by the Chinese Government on Falun Gong is in direct violation of the fundamental human rights to freedom of religious belief and practice, expression, and assembly: Now, therefore, be it
Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—(1) the Government of the People’s Republic of China should stop persecuting Falun Gong practitioners and other religious believers; (2) the Government of the United States should use every appropriate public and private forum, including but not limited to the United Nations Human Rights Commission, to urge the Government of the People’s Republic of China—(A) to release from detention all Falun Gong practitioners and put an immediate end to the practices of torture and other cruel, inhuman and degrading treatment against them and other prisoners of conscience; (B) to allow Falun Gong practitioners to pursue their religious beliefs in accordance with article 36 of the Constitution of the People’s Republic of China; and (C) to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights;
AMENDMENT TO THE PREAMBLE OFFERED BY MR. GILMAN
Mr. GILMAN. Mr. Speaker, I offer an amendment in the nature of a substitute offered by the gentleman from New York.
Amendment to the preamble offered by Mr. Gilman
Insert a complete new preamble as follows: Whereas Falun Gong is a peaceful and non-violent form of personal belief and practice with millions of adherents in China and elsewhere; Whereas the Government of the People’s Republic of China has forbidden Falun Gong practitioners to practice their beliefs; Whereas this prohibition violates China’s own Constitution as well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights; Whereas thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice of Falun Gong and for appealing to the government for protection of their constitutional rights; Whereas there are many credible reports of torture and other cruel, degrading and inhuman treatment of detained Falun Gong practitioners; Whereas the People’s Republic of China has enacted new criminal legislation that the government’s official newspaper hailed as a “powerful new weapon to smash evil cultist organizations, especially Falun Gong”; Whereas some of the detained Falun Gong members have been charged with political offenses, such as violations of China’s vague “official state secrets’ law, and under the new legislation Falun Gong practitioners will be chargeable with such offenses as murder, fraud, and endangering national security; Whereas other Falun Gong members have been sentenced to labor camps, apparently under administrative procedures allowing such sentences without trial; Whereas Chinese authorities in recent months have reportedly confiscated, burned, or otherwise destroyed millions of Falun Gong books and tapes; Whereas thousands of Falun Gong practitioners in China have lost their jobs and students have been expelled from schools for refusing to give up their beliefs; and Whereas the brutal crackdown by the Chinese Government on Falun Gong is in direct violation of the fundamental human rights to freedom of religious belief and practice, expression, and assembly:
Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the Record. The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? There was no objection. The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from New York (Mr. GILMAN).
Mr. GILMAN. Mr. Speaker, I offer an amendment to the preamble.
The Clerk read as follows:
Amendment to the preamble offered by Mr. Gilman:
Insert a complete new preamble as follows: Whereas Falun Gong is a peacefull and non-violent form of personal belief and practice with millions of adherents in China and elsewhere; Whereas the Government of the People’s Republic of China has forbidden Falun Gong practitioners to practice their beliefs; Whereas this prohibition violates China’s own Constitution as well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights; Whereas thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice of Falun Gong and for appealing to the government for protection of their constitutional rights; Whereas there are many credible reports of torture and other cruel, degrading and inhuman treatment of detained Falun Gong practitioners; Whereas the People’s Republic of China has enacted new criminal legislation that the government’s official newspaper hailed as a “powerful new weapon to smash evil cultist organizations, especially Falun Gong”;
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. REDESIGNATION.
The Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, shall be known and designated as the “Mervyn Malcolm Dymally Post Office Building”.
SEC. 2. REFERENCES.
Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Mervyn Malcolm Dymally Post Office Building”.
Mr. OSE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 642) to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the “Mervyn Malcolm Dymally Post Office Building”, and ask for its immediate consideration in the House.
The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection. The Clerk read the bill, as follows:
H.R. 642
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. REDESIGNATION.
The Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, shall be known and designated as the “Mervyn Malcolm Dymally Post Office Building”.
SEC. 2. REFERENCES.
Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Mervyn Malcolm Dymally Post Office Building”.
The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CHILDREN’S MEMORIAL DAY
Mr. OSE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 376) expressing the sense...
of the House of Representatives in support of "National Children's Memorial Day," and ask for its immediate consideration in the House. The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?
There was no objection. The Clerk read the resolution, as follows:

H. RES. 376
 Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;
 Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime;
 Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one, and
 Whereas Senate Resolution 138 would designate December 12, 1999, as "National Children's Memorial Day": Now, therefore, be it
Resolved, That the House of Representatives supports the goals and ideas of "National Children's Memorial Day" in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. OSE
Mr. OSE. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. Ose:
Strike the final "whereas" clause.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from California (Mr. Ose).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW
Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?
There was no objection.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA OR THE HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE AND TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOR REMAINDER OF FIRST SESSION OF 106TH CONGRESS
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 18, 1999.
I hereby appoint the Honorable Constance A. Morella or, if not available to perform this duty, the Honorable Frank R. Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions for the remainder of the First Session of the One Hundred Sixth Congress.

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

The SPEAKER pro tempore. Without objection, the designations are agreed to.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure which was read and, without objection, referred to the Committee on Appropriations:

Committee on Transportation and Infrastructure,
Washington, DC, November 17, 1999.

Hon. J. Dennis Hastert, Speaker of the House, Capitol,
Washington, DC.

Dear Mr. Speaker: I am transmitting herewith copies of the resolutions approved on November 10, 1999 by the Committee on Transportation and Infrastructure, as follows:

Committee survey resolutions authorizing the U.S. Army Corps of Engineers to study the following potential water resources projects: Brazoria County Shoreline, Texas; Dickinson Bayou, Texas; and for the City of Brownsville, Texas.

Committee resolution authorizing the natural resources conservation service to undertake a small watershed project for the Middle Deep Red Run Creek Small Watershed, Oklahoma.

With kind regards, I am,

Sincerely,

Bud Shuster,
Chairman.

There was no objection.

SPECIAL ORDERS
The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISTURBING PATTERN OF PAKISTANI ACTIONS DEMANDS SERIOUS CONSIDERATION AND CONGRESS
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Pallone) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last Tuesday in this House we approved on a bipartisan basis a resolution congratulating the people of India and their government for the successful parliamentary elections recently concluded by that thriving democracy. I was pleased to support that resolution and to speak in favor of it.

Unfortunately, action on another resolution that has been approved by the Committee on International Relations and is ready for consideration on this floor has been delayed. That other resolution would express the strong opposition of Congress to the recent military coup in Pakistan that overthrew the civilian government. While individual members of Congress, including me, have spoken out against the Pakistani coup, it is important for the House of Representatives to go on record collectively stating that we do not tolerate the overthrow of an elected government.

I am very disappointed, Mr. Speaker, in the Republican leadership for the continued delay in bringing up this resolution. Since we are about to adjourn, it is likely the resolution is dead for this year.

Last month, Mr. Speaker, the military coup in Pakistan was one of a series of disturbing actions that deserve very close scrutiny and clear condemnation by the U.S. government, the Congress, as well as the administration. One of the most shocking of these was last week's rocket attacks against American and UN targets in the Pakistani capital of Islamabad. The rockets were aimed at buildings in the heart of the capital, including the U.S. Embassy, a library and cultural center known as the American Center, and an office tower housing several UN agencies. Thank God, no one was killed, although one person was injured, a Pakistani guard at the American Center.

Mr. Speaker, the attacks came 2 days before UN sanctions were scheduled to go into effect against the Taliban redress in neighboring Afghanistan unless that country turns over Bin Laden, the international terrorist who has masterminded attacks against American and western targets in various countries. There has been solid evidence in the past linking Bin Laden's operation with Pakistan, so this connection is extremely plausible.

As the New York Times reported last Saturday, November 13, the list of possible culprits is short. Apart from the Taliban itself, Pakistan is home to several well-armed paramilitary groups sympathetic to the Taliban and hostile to the United States, in addition to thousands of Pakistani militants, who, over the years have trained side-by-side, with Taliban Members in Islamic schools. I should add, Mr. Speaker, that Pakistan has for years been identified with the violent separatist movement in India's state of Jammu and Kashmir, causing the deaths of thousands of civilians and the displacement of hundreds of thousands from their homes. Pakistan's role in providing death and destruction in Kashmir was exposed to the world earlier this year when Pakistani military leaders, many of the same elements who carried out last month's coup d'etat, precipitated a crisis by unilaterally launching a major attack against Indian positions in the area of Kargil, along the line of control that separates India and Pakistan controlled areas of Kashmir.
Pakistan's actions were condemned by the U.S. and the international community, and Pakistan was forced to essentially withdraw. But the attacks by Pakistani forces on India army positions continued day-to-day, causing casualties on both sides and threatening the stability of the entire South Asia region.

You have to wonder, Mr. Speaker, why the U.S. continues to try to win the favor of the Pakistani regime, given the record of collaboration between Pakistan and the fundamentalist Taliban militia in Afghanistan, and with bin Laden. Bin Laden and the Taliban represent the height of violent anti-Americanism, and yet here is the Pakistani regime tolerating, if not directly supporting, the operations of these movements in their country.

We have recently seen another example of the lack of respect for democracy and the rule of law on the part of the new Pakistani military regime with the unindicted the deposed Prime Minister, Sharif, on trumped up charges of treason and hijacking, charges which carry the death penalty.

Mr. Speaker, I do not want to get carried away singing the praises of Mr. Sharif, who has been in military custody since he was deposed in the October 12th coup, has been moved to the port city of Karachi in a military aircraft in preparation for a court appearance.

Mr. Speaker, in conclusion, there are some who seem to welcome the seizure of military power by the military in Pakistan as a recipe for stability. I believe this is misguided thinking. First, as the rocket attacks against American targets last week indicate, the notion of democratic civilian leadership and the rule of law are not well developed in Pakistan.

Reports in the last day out of Pakistan indicate that Prime Minister Sharif, who has been in military custody since he was deposed in the October 12th coup, has been moved to the port city of Karachi in a military aircraft in preparation for a court appearance.

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have been helping as well. Certainly, the Red Cross and Salvation Army have been at work. Business enterprises have stepped forward with their support. Individual citizens from across the Nation have helped. The church community is doing its part and will do more. In fact, on December 19, the church community across the country will hold a nationwide effort to gather support from various denominations to help with the housing needs, especially for those who are the working poor, disabled or elderly citizens.

Mr. Speaker, I believe those Members and staff now understand why this Congress must indeed pass an emergency rebuilding and reconstruction package when we return in January.

When Congress returns, I and others will put before the Congress a comprehensive and constructive bill. At that time, we will seek the support of our colleagues in the House and Senate, as well as the support of the administration.

One aspect of the legislation we will introduce is the provision of grants rather than loans for those homeowners and business owners who simply cannot be helped by loans alone. Unless we are able to provide grants, there are many, many who owned homes before the storm will not be able to afford replacement houses after the storm. Unless we are able to provide grants, there are many businesses, especially small farmers who were in business before the storm, but will not be able to return or remain in business because of the storm.

Over the years, America has come to the aid of many in foreign countries, as we should and as we must continue to do. We have helped to rebuild Europe. We have helped to boost the recovery of Japan. We have come and will continue to come again and again to the aid of other nations.

Mr. Speaker, America is at its best when conditions of our fellow citizens are at their worst. America was at its best on November 6 when those Members and staff grieved with the hearts and hands to those storm-torn communities and to the flood victims.

In the budget agreement we just voted on, Congress did indeed provide some immediate relief, for which I am very appreciative, although I was forced to vote against the bill because it did not contain $81 million promised by the Senate leadership for the agriculture cooperative that would have aided tobacco farmers, our peanut and cotton farmers. There were indeed provisions that will provide a response to the Housing needs and additional resources for agriculture and loans and grants. I also want to thank the administration for its support.

With this budget, we have made a significant step, but only a step. Much, much more is needed before we can say that Congress has done its part. We must, indeed, do more.

TRAGEDY AT TEXAS A&M

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

Mr. BARTON of Texas. Mr. Speaker, as one of the last speakers to speak in this chamber in this century in terms of other than the purely procedural motion, it is with great sadness that I rise this evening to talk of a terrible tragedy that happened early this morning in College Station, Texas.

The university where I graduated from in 1972 and where my father graduated from in 1934, and my son graduated from in 1997, has had its Bonfire. Students spend several months going out and first cutting down the logs and then transporting the logs to the campus, and then on campus, sorting them out and stacking them together to create a tower which, some years, has been over 100 feet tall, and which this year was somewhere about 40 feet tall and was scheduled to be about 60 feet tall. Earlier this morning, somewhere between 2:30 and 3 a.m., the bonfire stack catastrophically collapsed, killing 11 and seriously injuring 20 others that were on the stack plunging down. Unfortunately, at least six of them have been killed; over 20 have been injured. There are still five unaccounted for, and there is a possibility that the death toll could rise to over 10 students.

Mr. Speaker, this is a terrible tragedy for Texas A&M; it is a terrible tragedy for the families of the victims; it is a terrible tragedy for young people in our country. It is a sad, sad day in College Station, Texas.

Texas A&M truly is a family. There are over 250,000 living former students of Texas A&M, and the Aggie family, literally all over the world, is in shock and mourning for the students and their families, the students that were injured and killed and their families.

Mr. Speaker, there are a number of other Aggie traditions, one of which, unfortunately, will have to be utilized in the very near future. Silver Taps is traditional for when any student that dies while an active student, there is a ceremony on campus where all of the lights are turned out in the evening, all the students gather at a common area in front of the academic building and Silver Taps are played. So sometime in December, there will be Silver Taps for the students that were killed earlier this morning and Aggies mourn their passing.

There is a memorial service that is going on as we speak. The gentleman from Texas (Mr. BRADY), whose district Texas A&M is located in, flew down to College Station earlier this afternoon to be with the students there as they have that memorial service this evening.

The bonfire has been held every year but one year since 1909. In 1963, after the assassination of President Kennedy, the bonfire was canceled. That is the only time that it has been canceled until next week. Because of the tragic accident, there will be no bonfire at Texas A&M next week before the football game between Texas University and Texas A&M.

Mr. Speaker, again, I rise in strongest sympathy this evening. I would ask all of my colleagues in the House of Representatives to pray for the families whose children have been killed or injured. I have one more daughter, Kristin, who is a senior in high school this year, and she hopes to attend Texas A&M. It is my hope that the A&M administration, President Bowen, who is an excellent academic leader and faculty leader at Texas A&M, will conduct a full investigation of this accident. If there is a way to find a cause and to prevent it from happening in the future, I know that he will do that, but I also hope that we do not cancel the bonfire in the future.

Again, hundreds of thousands of former students of Texas A&M have participated in the bonfire. With almost no exceptions, those who have participated have nothing but the warmest, fondest memories. We need to grieve for our students who lost their lives early this morning; we need to support the investigation to find the cause of that catastrophic accident, and hopefully we can come up with safety procedures so that the bonfire can continue in the future.

Mr. Speaker, I ask that all of my colleagues pray for the families of those students who lost their lives early this morning at Texas A&M.

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

Mr. UDALL of New Mexico addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

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

Mrs. MYRICK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

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

Mr. UDALL of Colorado addressed the House. His remarks will appear hereafter in the Extensions of Remarks.
The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, today I introduce a bill, "Give a Kid a Chance Omnibus Mental Health Services Act of 1999," H.R. 3455 with forty-two (42) Original Co-Sponsors.

I rise today on behalf of the children—the more than 13.7 million that suffer from severe mental health disorders. I have long been an advocate for children's mental health services because I believe that good mental health is indispensable to overall good health. Today I introduce a bill, "Give a Kid a Chance Omnibus Mental Health Services Act of 1999," H.R. 3455 with forty-two (42) Original Co-Sponsors.

I believe that all children need access to mental health services. Whether these services are provided in a private therapy session or in a group setting in the schools, we need to make these services available.

My bill will provide mental health services to children, adolescents and their families in the schools and communities. By making these services more readily available, we can spot mental health issues in children before we have escalated incidents of violence.

At least one in five children and adolescents has a diagnosable mental, emotional, or behavioral problem that can lead to school failure, substance abuse, violence or suicide. However, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

Mr. Speaker, it is not always the kind of specialized treatment that is needed, but just to be able to give the family and parents access to some form of counseling that will be readily available that would not be distant, that would not be overly exorbitant in cost, that would not be beyond their reach.

In light of the Columbine tragedy and other violent events of the past 7 months, our children need us to pay close attention to the early signs of mental disorders. Clearly there are warning signs of trouble in young people that point to the possibility of emotional and behavioral disorders. These warning signs include isolation, depression, alienation and hostility. But if they have no access either through their families, their schools or their communities, they do not have the tools they need to address their mental health needs before it is too late.

Although the problem of youth violence cannot be traced to a single cause or source, unrecognized or unaddressed mental health disorders in children can be catastrophic. The current mental health system fails to provide a refuge for these children before they are dumped into the juvenile justice system.

It is estimated that one-half of the children who are in the juvenile justice system need mental health intervention. I believe that prevention and intervention from an early age are critical to stemming the tide of youth violence. We must put something in place to intervene in a child's life.

This bill provides for a comprehensive, community-based, culturally competent and developmentally appropriate prevention and early intervention program that provides for the identification of early mental health problems and promotes the mental health and enhances the resiliency of children from birth to adolescence and their families.

It incorporates families, schools and communities in an integral role in the identification and treatment of behavioral or emotional needs of all children before they become at-risk or troubled youth. Our children need to feel more comfortable about seeking help for their problems.

In preparing this legislation, I worked with a coalition of mental health professionals—psychologists, counselors, social workers and others to create comprehensive mental health legislation that will benefit all children and their families.

Mental health is indispensable to personal well-being, family and interpersonal relationships. Mental health is the basis for thinking and communication skills, learning, emotional growth, resilience and self-esteem.
There were several issues that we considered—access to services, the issue of stigma and the cultural and ethnic barriers to treatment. This bill addresses each of these concerns. Access to mental health services is key to saving this generation from self-destructive behavior.

In addition to access, there is the significant issue of stigma, particularly among the various cultural groups in this country. As we all know, there is already a significant stigma attached to mental health services for adults.

Adults need to realize that mental health is not separate from physical or bodily health. Good physical health is all encompassing, inclusive of the mind and body. As adults, we need to feel more comfortable about our own issues. We cannot continue to believe in the stigma of mental help.

We must also explore the cultural and ethnic barriers to making mental health services available to all children. In certain ethnic cultures, the issue of mental health is almost a non-issue. For example, in some cultures, a person may complain of physical discomfort when the real issue is of a psychological nature.

In addition to internal cultural barriers to mental health treatment, there are cross-cultural barriers that must be overcome. Mental health professionals must be culturally savvy and have an understanding of various cultural and ethnic backgrounds.

People from various cultural backgrounds are often mistrustful of seeking professional mental health services because of a lack of trust in the system, economic constraints, and limited awareness of the value of good mental health. The challenge to the mental health profession is to overcome these barriers to provide comprehensive treatment.

This silence ultimately harms our children. For example, in the African-American community mental health is rarely discussed and it often goes untreated in both adults and children. Depression is the most common mental health disorder affecting 10 percent of the population, yet we still do not engage in a public dialogue about this issue.

The progress we make now in terms of mental health access and treatment, erasing the stigma and overcoming the cultural barriers will be long reaching.

I urge my colleagues to add their names to the list of cosponsors of this legislation. In the next session, I look forward to this bill passing.
HIGHLIGHTS

Senate and House passed Continuing Appropriations H.J. Res. 82 and H.J. Res. 83
House passed H.J. Res. 82, H.J. Res. 83, and H.J. Res. 84, Making Further Continuing Appropriations
House agreed to the Conference Report on H.R. 3194, District of Columbia Appropriations Act
House agreed to the Conference Report on H.R. 1180, Ticket to Work and Work Incentives Improvement Act
House agreed to H. Con. Res. 235, providing for the adjournment of the House and Senate

Chamber Action

Routine Proceedings, pages S14751-S14838

Measures Introduced: Sixteen bills and two resolutions were introduced, as follows: S. 1955-1970, S. Res. 233, and S. Con. Res. 76. Pages S14805-06

Measures Reported: Reports were made as follows:
S. 1561, to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, with amendments. Page S14805

Measures Passed:

Continuing Appropriations: Senate passed H.J. Res. 83, making further continuing appropriations for the fiscal year 2000. Pages S14796-97

Adjournment Resolution: Senate agreed to H. Con. Res. 235, providing for a conditional sine die adjournment of the first session of the One Hundred Sixth Congress. Page S14799

Continuing Appropriations: Senate passed H.J. Res. 82, making further continuing appropriations for the fiscal year 2000, after agreeing to the following amendments proposed thereto:

By 56 yeas to 33 nays (Vote No. 370), Byrd/McConnell Amendment No. 2780, to provide for the disposal of excess spoil and coal mine waste. Pages S14796-97, S14799-S14803

By 88 yeas to 1 nay (Vote No. 371), Lott (for Helms/Edwards) Amendment No. 2781, to provide for agricultural disaster relief and emergency assistance in North Carolina. Pages S14796-97, S14799-S14803

District of Columbia Appropriations Conference Report: By 80 yeas to 8 nays (Vote No. 369), Senate agreed to the motion to proceed to the consideration of the conference report to H.R. 3194, making appropriations for 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. Pages S14796-99

A motion was entered to close further debate on the conference report and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Saturday, November 20, 1999, at 1:01 a.m. Page S14799

Loan Guarantee Agreement: A unanimous-consent agreement was reached providing that no later than March 30, 2000, if no Senate committee has reported a bill limited to providing loan guarantees to establish local television service to rural areas by satellite and other means, that the leadership or their designees be recognized to introduce a bill limited to sections 2002, 2003, 2004, and 2006 of the conference report accompanying H.R. 1554 providing such loan guarantees, and that the Senate immediately begin consideration of the bill with relevant
first degree amendments in order and second degree amendments that are relevant to the first degree amendment they propose to amend. Further, that if legislation is reported that is limited to such loan guarantees it be considered on, or before March 30, and be open to relevant amendments as provided above, and further that upon the disposition of all amendments, the bill be read a third time and passed, with no intervening action.

Messages From the President: Senate received the following message from the President of the United States:

Transmitting the report of the National Aeronautics and Space Administration for fiscal year 1998; referred to the Committee on Commerce, Science, and Transportation. (PM-77).

Messages From the House: No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 66 public bills, H.R. 3443-3508; 2 private bills, H.R. 3509-3510; and 17 resolutions, H.J. Res. 84-85, H. Con. Res. 234-238, and H. Res. 391-400, were introduced.

Reports Filed: Reports were filed today as follows:

H.R. 1095, to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries, amended (H. Rept. 106-483, Pt. 1);

H.R. 728, to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws, amended (H. Rept. 106-484, Pt. 1); and


Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative LaTourette to act as Speaker pro tempore for today.

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Douglas Tanner of Washington, D.C.

Motion to Adjourn: Rejected the Obey motion to adjourn by yea and nay vote of 14 yeas to 375 nays, Roll No. 598.

Motion to Adjourn: Rejected the Kind motion to adjourn by a recorded vote of 25 ayes to 395 noes, Roll No. 603.

Motion to Adjourn: Rejected the Obey motion to adjourn by yea and nay vote of 24 yeas to 378 nays, Roll No. 604.

Motion to Adjourn: Rejected the Obey motion to adjourn by yea and nay vote of 24 yeas to 379 nays, Roll No. 605.

Member Sworn: Representative-elect Joe Baca of California presented himself in the well and was administered the oath of office by the Speaker.

Further Continuing Appropriations: The House passed H.J. Res. 82, making further continuing appropriations for the fiscal year 2000 by a recorded vote of 403 ayes to 16 noes, Roll No. 607.

Rejected the Obey motion to reconsider the vote by voice vote.

H. Res. 385, the rule that provided for consideration of the joint resolution was agreed to by a recorded vote of 352 ayes to 63 noes, Roll No. 601.
Agreed to table the motion to reconsider the vote by a recorded vote of 294 ayes to 123 noes, Roll No. 602.

Pages H12730–37

Agreed to order the previous question on the rule by yea and nay vote of 375 ayes to 45 nays, Roll No. 599, and then agreed to table the motion to reconsider the vote by a yea and nay vote of 316 yeas to 101 nays, Roll No. 600.

Pages H12735–36

Consolidated Appropriations Act: The House agreed to the conference report on H.R. 3194, 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 by a yea and nay vote of 212 yeas to 219 nays, Roll No. 609.

Pages H12756–H12820

Rejected the Obey motion to recommit the conference report to the Committee on conference with instructions that the House managers not agree to any provisions which would reduce or rescind appropriations for Veterans Medical Care by yea and nay vote of 212 yeas to 219 nays, Roll No. 609.

Pages H12756–H12820

H. Res. 386, the rule that provided for consideration of the conference report was agreed to by a yea and nay vote of 226 yeas to 204 nays, Roll No. 608.

Pages H12746–56

Agreed to the Linder amendment that provides that the conference report shall be debatable for one hour equally divided and controlled and the previous question shall be considered as ordered to final adoption without intervening motion except one motion to recommit.

Pursuant to the rule, after adoption of the conference report, H. Con. Res. 234 was considered as adopted. And, pursuant to that concurrent resolution, the enrolled copy of H.R. 2466, Interior and Related Agencies Appropriations, FY 2000 was not presented to the President and was laid on the table.

Page H12755


Pages H12820–21

Agreed to the Young of Florida amendment that strikes "November 23" where it appears twice in the resolution and inserts in lieu thereof "November 18".

Pages H12820–21

Earlier, H. Res. 385, the rule that provided for consideration of the joint resolution was agreed to by a recorded vote of 352 ayes to 63 noes, Roll No. 601.

Pages H12830–37

Presidential Message—Aeronautics and Science: Read a message from the President wherein he transmitted his report on aeronautics and science for fiscal year 1998—referred to the Committee on Science.

Pages H12821–22

Committee Election: The House agreed to H. Res. 391, electing Representative Baca to the Committees on Agriculture and Science.

Page H12823

Work Incentives Improvement Act: The House agreed to the conference report on 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 by a yea and nay vote of 418 yeas to 2 nays, Roll No. 611.

Pages H12823–32

Returning Bill to the Senate: The House agreed to H. Res. 393, returning to the Senate S. 4.

Pages H12832–33

Returning Bill to the Senate: The House agreed to H. Res. 394, returning to the Senate S. 1232.

Pages H12834–35


Pages H12833–34

Chippewa Cree Tribe Water Rights Settlement: The House passed S. 438, to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation—clearing the measure for the President.

Pages H12836–40

Four Corners Monument Tribal Park: The House passed S. 28, to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park—clearing the measure for the President.

Pages H12840–42

Establishing National Historical Sites in Ohio: The House passed S. 548, to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio—clearing the measure for the President.

Pages H12842–44

Coastal Barrier Resources System Map Corrections: H.R. 34, to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System. Page H12844

Corrections to the Cape Henlopen State Park Boundary: The House passed S. 574, to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System—clearing the measure for the President.

Pages H12844–45
John H. Chafee Coastal Barrier Resources System: The House passed S. 1866, to redesignate the Coastal Barrier Resources System as the "John H. Chafee Coastal Barrier Resources System"—clearing the measure for the President.  

Pages H12845–46

Foster Care Independence Act: The House passed H.R. 3443, to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency.  

Pages H12846–57

Healthcare Research and Quality Act: The House passed S. 580, to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research—clearing the measure for the President.  

Pages H12857–64

Women's Business Center Program: The House passed S. 791, to amend the Small Business Act with respect to the women's business center program—clearing the measure for the President.  

Pages H12864–66

Correcting Enrollment: The House agreed to H. Con. Res. 236, providing for the correction of the enrollment of H.R. 1180.  

Page H12866

Designating the Sandra Day O'Connor U.S. Courthouse: The House passed S. 1595, to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the "Sandra Day O'Connor United States Courthouse"—clearing the measure for the President.  

Pages H12866–67

Designating the Robert C. Weaver Federal Building: The House passed S. 67, to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building"—clearing the measure for the President.  

Pages H12867–68


Pages H12868–82

Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act: The House passed S. 1769, to continue reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999. Agreed to the Coble amendment in the nature of a substitute. Agreed to amend the title.  

Pages H12882–84


Pages H12884–85

Condemning Hate Crimes in Illinois and Indiana: The House agreed to H. Res. 254, expressing the sense of the House of Representatives condemning recent hate crimes in Illinois and Indiana.  

Page H12885

China's Persecution of Falun Gong: The House agreed to H. Con. Res. 218, expressing the sense of the Congress that the Government of the People's Republic of China should stop its persecution of Falun Gong practitioners. Agreed to the Gilman en bloc amendments.  

Pages H12885–87

Designating the Merlin Malcolm Dymally Post Office: The House passed H.R. 642, to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building".  

Page H12887

National Children's Memorial Day: The House passed H. Res. 376, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide that the United States Army Corps of Engineers perform contract oversight of Fund financed remedial actions under that Act. Agreed to the Ose amendment.  

Pages H12887–88

Meeting Hour—Friday, November 19: Agreed that when the House adjourn today, it adjourn to meet at 12:00 p.m. on Friday, November 19, 1999.  

Page H12888

Late Report: Committee on Government Reform received permission to have until midnight on Dec. 10, 1999 to file an investigative report.  

Page H12840

Committee on Transportation and Infrastructure: Read a letter from the Chairman wherein he transmitted copies of resolutions approved on Nov. 10, by the Committee—referred to the Committee on Appropriations.  

Page H12888

Sine Die Adjournment: Agreed to H. Con. Res. 235, providing for the sine die adjournment of the first session of the One Hundred Sixth Congress.  

Page H12888

Convening Date of the Second Session: The House passed H.J. Res. 85, appointing the day for the convening of the One Hundred Sixth Congress.  

Page H12835

Committee to Inform the President: H. Res. 395, appointing Members to join a similar committee appointed by the Senate to inform the President that
the two Houses have completed their business of the session and are ready to adjourn. Subsequently, appointed Representatives Armey and Gephardt to the Committee.

Extensions of Remarks: Agreed that members may have until publication of the last edition of the Congressional Record authorized for the First Session by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the First Session Sine Die.

Resignations—Appointments: Agreed that until the day the House convenes for the Second Session of the 106th Congress, and notwithstanding any adjournment of the House, the Speaker, Majority Leader, and Minority Leader be authorized to accept resignations and make appointments.

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Morella and in her absence Representative to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the end of the First Session of the One Hundred Sixth Congress.

Senate Messages: Message received from the Senate appears on page H12844.

Quorum Calls—Votes: Nine yea and nay votes and five recorded votes developed during the proceedings of the House today and appear on pages H12730-31, H12735, H12735-36, H12736-37, H12737, H12737-38, H12738-39, H12740-41, H12744-45, H12745-46, H12756, H12819, H12820, and H12832. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 9:00 p.m.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 19, 1999

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.
Next Meeting of the SENATE
10 a.m., Friday, November 19

Senate Chamber
Program for Friday: Senate will consider any cleared legislative and executive business, including appropriation measures.

Next Meeting of the HOUSE OF REPRESENTATIVES
12 p.m., Friday, November 19

House Chamber
Program for Friday: Pro forma session.