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WILLIAM M. THOMAS, *Chairman.*

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

(Continued)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I ask for support on this bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge support for the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

census, which is important to government and commerce.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1997 Balanced Budget Act for Medicare beneficiaries and providers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, women are not negotiable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A COSTLY DEAL ON U.N. DUES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

MARYBETH PETERS,
Register of Copyrights.

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully yours,

ARTHUR R. MILLER,
Bruce Bromley Professor of Law.

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

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

MOTION TO RECOMMIT OFFERED BY MR. OBEY

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

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

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

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

The Clerk read as follows:

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

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

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore.

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

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

[Roll No 609]

YEAS—212

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

NAYS—219

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

NOT VOTING—4

Brady (TX)
Capps
Conyers
Wexler

□ 1725

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

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

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

[Roll No. 610]

YEAS—296

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

NAYS—135

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

NOT VOTING—4

Brady (TX)
Capps
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□ 1736

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

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

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

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

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

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

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 83 is as follows:

H.J. RES. 83

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

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

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

GENERAL LEAVE

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

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

There was no objection.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

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

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

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida:

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

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

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

Bob Berry, the House owes to you our gratitude.

Mr. Speaker, I withdraw my reservation of objection.

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